

United States
Circuit Court of Appeals
For the Ninth Circuit.

NATIONAL LABOR RELATIONS BOARD,
Petitioner,
vs.

LOS ANGELES BRICK & CLAY PRODUCTS
CO., a corporation,
Respondent.

Transcript of Record
In Two Volumes
VOLUME II
Pages 285 to 571

Upon Petition for Enforcement of an Order
of the National Labor Relations Board.

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Upon Petition for Enforcement of an Order
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GUSTAF LARSON

called as a witness by and on behalf of the Board, having been first duly sworn, was examined and testified as follows:

Trial Examiner Stephenson: State your name.

The Witness: Gustaf Larson.

Trial Examiner Stephenson: Proceed.

Direct Examination

Q. (By Mr. Mauritsen) Are you employed by the respondent company? A. I am.

Q. In what capacity?

A. General superintendent.

Q. General superintendent? A. Yes.

Q. Does that comprise anything other than the Alberhill [348] plant?

A. Yes, it does. We have got lots of Los Angeles property.

Q. How often do you visit the Alberhill plant, ordinarily? A. Two or three times a week.

Q. Two or three times a week? A. Yes.

Q. Suppose that something comes up during the period when you are absent from the plant. How is that handled then, if it is of importance?

A. If it is important, I am called up.

Q. And who usually calls you on that?

A. Mr. Bodine.

Q. Mr. Bodine, the company superintendent at the plant? A. Yes, sir.

Q. When did he first call you after the union meeting held June 1st?

(Testimony of Gustaf Larson.)

A. I couldn't tell you. After June 1st? He never called me because I was up there several times.

Q. When did you first learn that a union was being formed at the Alberhill plant?

A. Well, I heard, but I don't know from who. But I heard that they had a meeting. In fact, they even distributed a notice in Los Angeles in our office.

Q. And that was on or about June 1st?

A. About. [349]

Q. So that you knew immediately that a meeting was to be held? A. I did.

Q. Now, Mr. Larson, did you receive notice of the petition which was presented to the company on June 9? A. I did.

Trial Examiner Stephenson: Referring to Board's Exhibit 2, is it?

Mr. Mauritsen: That is right.

The Witness: I got this notice June 10th, about 10:00 o'clock in the morning. I came up to the plant.

Q. You came up to the plant. Who gave you notice that this petition had been presented to the plant?

A. Mr. Bodine handed me the notice.

Q. What did he say?

A. He didn't say anything.

Q. Did you read the notice? A. I did.

Q. And what did you do thereafter?

A. I didn't do anything about the notice.

(Testimony of Gustaf Larson.)

Q. Did you make an attempt to get in touch with the men who signed that notice? A. No, sir.

Q. Why didn't you?

A. Why, it was impossible for me to do anything. The [350] notice was about 20 hours, and I had to call a directors' meeting, and the strike was on before the meeting could be held. My hands was tide. I had no authority to agree to any demands.

Q. Were you present at the plant?

A. Yes, sir. There was about a hundred men on the picket line when I drove in.

Q. When you drove in?

A. No. That was the second day. I take that back. It was the second day.

Q. The first day you had notice of this by 10:00 o'clock? A. Yes.

Q. And you didn't take any action on it?

A. No.

Q. Although the notice said there was to be a strike?

A. I took this notice and went to Los Angeles, and the following day I called up Dr. Nylander; that is, I had our office call up Dr. Nylander Monday, and made an appointment for me for Tuesday, I believe it was; maybe Wednesday; and I went up to see Dr. Nylander with that notice.

Q. But you made no attempt to meet with the men? A. No.

Q. Have you ever negotiated with the men at your plant at any time within the last ten years,

(Testimony of Gustaf Larson.)

say? A. They never asked for it. [351]

Q. How long have you been engaged in the brick business? A. 45 years.

Q. How long have you been engaged in the brick business at Alberhill?

A. Do you mean this company alone, or the companies altogether?

Q. With this company.

A. Since I went in this company in 1919.

Q. Were you engaged in business prior to that time at Alberhill? A. Yes, sir.

Q. In the brick business? A. Yes, sir.

Q. But you have been with this company since 1919? A. Yes, sir.

Q. During that period of time have you ever negotiated with a body of your employees, in any way?

A. Never had occasion to; never anybody asked me except men individually asked for it.

Q. They never attempted to bargain collectively? A. Never did.

Q. Mr. Larson, I show you Board's Exhibit 3. Will you please examine it.

A. I read that before.

Q. Did you ever see the original letter? [352]

A. I don't know. I believe they got the notice of it.

Q. You believe? Didn't you say to me that you had read that before?

(Testimony of Gustaf Larson.)

A. Yes. I believe I read that. Not this letter, but a letter like it.

Q. A letter just like it? A. Yes.

Q. Did you take any action at that time?

A. No, sir.

Q. You made no attempt to bargain with your men at that time? A. No, sir.

Q. Did you attend a conference called by Dr. Nylander on June 15th?

A. On June 15 I was down with Dr. Nylander myself.

Q. Alone?

A. Alone. I called Dr. Nylander—this strike was on the 11th, Friday. I was down at Alberhill Saturday and at Alberhill Monday, but I notified our office to make an appointment with Dr. Nylander on Monday. That was the 14th. Then the 15th I had a meeting with Dr. Nylander and Mr. Howard, in his office, and I brought this letter and I handed it to Dr. Nylander. I said, “We have a strike at Alberhill.” He read that letter and threw it over to Mr. Howard and he said, “This strike is illegal. They can’t do it.” And I said, “They are doing it.” [353]

Mr. Mauritsen: Mr. Examiner, I think that is not responsive.

Mr. Mauritsen: I move to strike it.

Trial Examiner Stephenson: Everything after the word “Alone” in the answer to the last ques-

(Testimony of Gustaf Larson.)

tion propounded by counsel for the Board will be stricken.

(Discussion off the record.)

Q. Mr. Mauritsen: Can we stipulate as to the date of the conference?

(Discussion off the record.)

Mr. Mauritsen: Mr. Larson, on what date did you have a conference in Dr. Nylander's office with the representatives [354] of the union?

A. I am not positive of that date, but it was in the week of the 25th. I am not positive of that.

Q. Now, Mr. Larsen——

A. It was—the reason I know it is because it was just a couple of days before this strike was called off, and I believe the strike was called off the 25th.

Q. Now, at this meeting with Dr. Nylander and the representatives of the union, did you offer to bargain with the representatives of the union at that time? A. No, sir.

Q. Did you or did you not say that before you would recognize the union you would close down your plant?

A. I did not. I never have said so.

Q. Yet you made no offer to bargain with the representatives of your employees?

A. You want to know the reason why I didn't?

Q. I want to know whether you did or not?

A. No, I didn't.

(Testimony of Gustaf Larson.)

Q. You refused to bargain collectively with them on June 10th, when the petition was presented to you, did you not? Did you or didn't you?

A. I never seen them. I got that letter (Indicating) but I never saw the men.

Q. On June 10—I am referring to Board's Exhibit 2—you [355] made no attempt to bargain with them at that time? A. No.

Q. I will show you Board's Exhibit 3. Did you make any attempt to bargain with them at the time you received that letter? A. No.

Q. And at the conference in Dr. Nylander's office you made no offer or attempt to bargain with them? A. I was never asked.

Trial Examiner Stephenson: The conference you are referring to now is the conference where the union men attended?

Mr. Mauritsen: Yes.

That is all.

Trial Examiner Stephenson: Let me ask a couple of questions. May I see the first letter, please?

Examination by the Trial Examiner

Q. (By the Trial Examiner) Mr. Larson, are you acquainted with Edward E. Hannum? Did you know him when you saw him?

A. I wouldn't know him. Is that this Hannum here? Q. Yes.

A. Well, I know him now, but I wouldn't have then.

(Testimony of Gustaf Larson.)

Q. Did you know you had a man in your employ by the name of Edward E. Hannum?

A. I am not sure of that either.

Q. Did you know whether you had a man in your employ by the [356] name of Lawrence McNutt?

A. Yes, sir.

Q. You did know you had a man by the name of Lawrence McNutt?

A. I knew that when they struck.

Q. And did you know that the day you received Board's Exhibit 2? Did you know Lawrence McNutt was working for you then?

A. No, I didn't. When they struck I know McNutt was working for me, but when I got this letter I didn't know whether McNutt was working for us or anybody else. But after we got that notice then I knew McNutt was working for us.

Cross Examination

Q. (By Mr. Gately) Did you advise your foremen to attend that first meeting held by the union?

A. I did not.

Q. Chester Lucas testified that you spoke to him, I believe, in the shop after the date this Exhibit 2 was received. Do you remember that conversation?

A. I never did.

Q. Are you in favor of unions?

Mr. Howlett: Just a minute. I think that is objection- [357] able. I object to it on the ground that it isn't within the issues of the case. It calls for a conclusion of the witness and is immaterial.

(Testimony of Gustaf Larson.)

Trial Examiner Stephenson: As I understand it, you are general superintendent of the company?

The Witness: Yes, sir.

Trial Examiner Stephenson: Do you hold any other position besides that of general superintendent?

The Witness: I am the largest stockholder in the company and I am a director in the company.

Trial Examiner Stephenson: Objection overruled. Answer the question.

The Witness: What was the question?

Trial Examiner Stephenson: Read the question.

(The desired question was read by the reporter as set forth above.)

A. I am not against them if they are properly run.

Q. (By Mr. Gately) Do you think that Alberhill Clay Products Workers' Union was properly run?

A. Certainly not.

Q. Did you make any effort to find out whether they were properly run or not?

A. I did. I went to Dr. Nylander for that purpose.

Q. Don't you think you could have got more information from the union than from Dr. Nylander on that? [358]

A. I don't think I could.

Q. Did you ever make any attempt to consult with the officers of the union to find out what type of union it was? A. I never did.

(Testimony of Gustaf Larson.)

Q. What would you say was a properly run union?

A. A proper union would give you more than 24 hour's notice before they closed up the plant.

No one man—at least I couldn't answer their demand.

Q. Did you notify those men that that condition existed; that you couldn't answer it?

A. I couldn't at that time answer it.

Q. Couldn't you have told them that you were only one man and you would have to call a meeting of the board of directors, and to give you more time? Do you think the union would have done that?

A. I was in the plant that morning I got that notice. There was a lot of business and I couldn't get back until after 5:00 o'clock—6:00 or 7:00 o'clock, and took it up with our president of the company the next morning; and I went to the plant the next morning and he said, "Nothing can be done," and left it to me, and I went up there and when I got there they would hardly let me through the picket line. [359]

Q. (By Mr. Gately) Did you discuss the possibilities of the union with your foremen before this first meeting? A. I never did.

Q. Did any of your foremen ever tell you that there was a union coming in there?

A. Not that I know of.

(Testimony of Gustaf Larson.)

Q. Did Mr. Bodine or any of those present at that first meeting give you any report on what happened at the meeting or what was said?

A. No report. He may have told me that they were trying to form a union, but I didn't pay any attention.

Redirect Examination

Q. (By Mr. Mauritsen) Mr. Larson, you testified that you have no objection to a union if it is properly run. Did you make any attempt at all to learn whether this union was properly run?

A. I did. I went to Dr. Nylander. [360]

Q. I mean on the day on which you received the notice did you make any attempt to find out whether it was properly run or not?

A. As soon as I got that first notice of a strike, as soon as I had time, I took it up with Dr. Nylander, and I couldn't get an appointment before Tuesday.

Q. But you made no attempt to find out whether the union in your plant was properly run? You said you have no objection to a properly run union?

A. Well, anybody can see that the demands they asked that it was not properly run. It speaks for itself.

Cross Examination

Q. (By Mr. Howlett) When you went in to see Dr. Nylander, who was present at that time?

(Testimony of Gustaf Larson.)

A. The first meeting, Dr. Nylander and myself and Mr. Howard; that is Dr. Nylander's assistant.

Q. And when was that meeting held?

A. On Tuesday the 15th.

Q. And when you went in what did you say to Dr. Nylander?

A. First we had two appointments. My office made the ap- [361] pointment for 9:00 o'clock in the morning, and Dr. Nylander called in the morning and postponed it until 3:00 or 3:30 in the afternoon. And I went in and told him who I was and handed him that notice. He read it—can I change it a little bit?

Q. Surely.

A. When I got in Dr. Nylander wasn't in his office and the girl there took me into Mr. Howard and I said, "Dr. Nylander had an appointment with me," and we waited for a little while, then went out in the hall to look for Dr. Nylander, and he came, and Mr. Howard, myself and Dr. Nylander went into Dr. Nylander's office. That is how Mr. Howard was in with us. He read the letter over and threw it over across the table to Mr. Howard and he says, "That is illegal. They can't do it." And I said, "Well, they are doing it." And he was quite stirred up. He said, "I am going to San Diego during the week-end and I am going to make it a point to stop off at Alberhill and see if something can't be done and talk to the men." He said, "Any damage done?" And I said, "Certainly. They walked away

(Testimony of Gustaf Larson.)

from the kilns with fires burning and gave us no notice. We had to close down and there will be a big loss."

Then Dr. Nylander excused himself. He said, "I have a meeting. Will you go in and take this up with Mr. Howard?" Howard had left the office a few minutes before and I went [362] into Mr. Howard's office and he said, "I just called up the headquarters for the union. They said that the Alberhill had no authority to strike. It is illegal." He said, "The hot-heads don't know what to do."

Mr. Mauritsen: I fail to see the materiality.

Mr. Howlett: I think it is material.

Trial Examiner Stephenson: Go ahead.

A. He said, "I will have the union here in Los Angeles call that strike off; then you put all the men back to work again and we will supervise an election." And I said, "No, I won't. We will have the men we need back again—about a hundred men. That's all we can use. Then have an election and it is all right."

He said, "Will you take the men back?" And I said, "I will take all the men back with the exception of the men that walked out and left the kilns burning." I said, "What assurance have I got that they wouldn't do the same thing next week?"

And there was another man that I just—the Sunday before I took my family up there for the ride and showed them the new tunnel kiln, and the burner was sleeping on top of the kiln, sound

(Testimony of Gustaf Larson.)

asleep. The electric bell was ringing calling for him to take the car out and put it in. I couldn't find anybody around, and finally a man came running and I said, "A man is dead, lying on top of the kiln." I went and [363] hollered to him and couldn't wake him up so I threw some fire clay dust on the top of his face, then he woke up and came down. And I says, "I wouldn't have such a man back again." [364]

Examination by the Trial Examiner

Q. (By the Trial Examiner) How many conferences, Mr. Larson, did you have with Dr. Nylander?

A. I had—this was the first one. The second one was with Mr. Prussing and myself—

Q. And Dr. Nylander?

A. And Dr. Nylander.

Q. And the third one?

A. The third one was Mr. Stuart and myself with Mr. Howard; and the fourth one was Dr. Nylander and these boys—the union boys.

Q. Then you have had three conferences with Dr. Nylander and one with Mr. Howard?

A. Yes.

Q. Do you remember when the conference was held when the representatives of the union were present? Do you remember that date?

A. That was the last one, I know that.

(Testimony of Gustaf Larson.)

Q. That was the last one but do you remember the date?

A. It was in the week of the 25th; two days, I believe, before the strike was—before the strikers went back. [365]

Mr. Mauritzen: Mr. Examiner, at this time I should like to introduce Board's Exhibit 1-J. I believe a place was reserved in Board's Exhibit No. 1 for this request for a continuance, and opportunity to file an answer to the complaint.

Trial Examiner Stephenson: All right. The request for the extension of time to file an answer will be received and marked as Board's Exhibit 1-J.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 1-J.)

Trial Examiner Stephenson: Let the record show that the request is dated December 15, but that the same will be filed nunc pro tunc as preceding the order extending the time.

Mr. Mauritzen: At this time I should like to call Art Hannum.

ART HANNUM

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

(Testimony of Art Hannum.)

Direct Examination

Q. (By Mr. Mauritzen) Mr. Hannum, have you been employed by the Los Angeles Brick and Clay Products Company? [368]

A. Yes.

Q. When did you first start to work for respondent?

A. It was in the early part of February, around the first part. I forget just the date. It was somewhere around the 5th.

Q. 1937? A. 1937.

Q. And of what did your duties consist when you were first employed?

A. When first employed there I went on the bull gang, what is known as a bull gang in most places, just a common laborer.

Q. What hourly wage did you receive at that time?

A. The first sixty days was 40 cents an hour.

Q. And at the end of 60 days what rate did you receive?

A. I was put up with the rest of the laborers at 45.

Q. Did you receive any subsequent raises?

A. Yes. Just prior—well, the latter part of May, when they gave everybody a two and a half cent raise, I was included.

Q. So that at the time when your employment terminated you were receiving 47-1/2 cents an hour? A. Yes.

(Testimony of Art Hannum.)

Q. And what did your duties consist of at the latter part of your employment with respondent?

A. I was one of three burners on the tunnel job. [369]

Q. The tunnel crew? A. Yes.

Q. Are you a member of the union?

A. Well, I signed after the strike.

Q. You signed an application card and was sworn in? A. Yes.

Trial Examiner Stephenson: Pardon me. What was the answer to the preceding question?

(The record referred to was read by the reporter as set forth above.)

Q. (By Mr. Mauritzen) When did your employment with the respondent end?

A. On June 11, 1937.

Q. Did you go out on strike? A. I did.

Q. Did you go out on strike at the same time as the other employees of respondent went out on strike?

A. It was the same day, yes, but I stayed in until I was relieved.

Q. Why did you stay in?

A. It was talked over, we didn't want to in any way ruin any of the products out there. I was told by the president of the union the best thing to do was to stay in until I was properly relieved and everything was in good hands to take charge. [370]

Q. Was that Ed Hannum who told you to stay in?

(Testimony of Art Hannum.)

A. Yes, the president of the union.

Q. Who relieved you on the kilns?

A. Jack Baer, assistant superintendent.

Q. What day?

A. Well, the morning he came out there it was about 7:30. I was around by the instrument board there and he came around and he said, "Well, I am glad to see that they didn't get you."

I told him that I was sorry, I wasn't staying in after the other boys were out on strike; that I would go out too. And we went over the records, the tunnel kilns, in the various places, and the schedule. Everything was all right, on schedule and he took it over and I went on out to the room.

Q. What did Mr. Baer say to you at that time?

A. Well, I can't give you the exact words, while we were talking. Why, we got talking about the union, and I was in there for several minutes after he was out, over at the instrument board talking, and we got to talking about the unions and he told me he thought if we would have had either a company union in there or the A. F. of L. that Mr. Larson would have come around and talked business with us but he didn't like the C. I. O. policies and therefore he didn't know what would terminate the whole thing.

Q. Have you applied for reinstatement with the company? [371]

A. Yes.

Q. Do you recall when you first applied for reinstatement?

(Testimony of Art Hannum.)

A. It was the day the picket line was abandoned. I couldn't tell you the date. I know there was Mr. Lucas and myself and I believe Frank German went in at the same time and asked Mr. Bodine about it and he told me that he was sorry but they weren't going to start the tunnel kilns and he didn't know when they would start it, if ever. Mr. Lucas went and got his tools and I thanked Mr. Bodine and Jack for having given me the opportunity to learn the burners as much as I had on the tunnel gang.

Q. Did you ever apply for reinstatement after that time? A. No.

Q. Now, Mr. Hannum, I show you Board's Exhibit No. 4, and will you please examine the exhibit and tell the Examiner whether your name is attached to the list that is attached to that letter?

A. (Examining exhibit) Yes.

Q. Did you approve of the sending of that letter? I mean did you have any objection?

A. No, I have no objection to it.

Q. If the Labor Board should order your reinstatement with back pay would you be willing to accept employment with respondent?

A. (Pause) I don't know. I have a much better job now. [372] That would take some consideration. [373]

Cross Examination

Q. And you left, you struck on June 11, 1937, and when did you go to Keeler?

(Testimony of Art Hannum.)

A. I went to work at Keeler on July 14, 1937.

Q. For whom?

A. The Natural Soda Products Company at Keeler.

Q. Have you been working there since that date?

A. Yes, sir.

Q. You were working for more money than you worked at the Los Angeles Clay Products Company?

A. Yes, sir.

Q. Have been at all times you were there?

A. Yes, sir.

Q. You say that you did not—off the record.

(Discussion outside the record.)

Q. (By Mr. Howlett) When did you leave your employment with the Los Angeles Brick Company, the date and approximate hour?

A. Well, the approximate hour was about 7:30.

Q. A. M.? A. A. M., yes.

Q. On June 11, 1937?

A. June 11, 1937.

Q. What work were you doing at the time you left?

A. Burning over on the tunnel kiln. I was one of three burners. [375]

Q. There were three burners at that time?

A. Yes.

Q. Who were the other two?

A. Leland Fuller and Gale Eaglin.

Q. When would your shift have been over had you not gone out on strike?

(Testimony of Art Hannum.)

A. I was on, at that time, from 2:00 in the morning until 10:00.

Q. So you left before the end of your shift?

A. Yes.

Q. And who was sent to relieve you on your work?

A. Jack Baer relieved me, the assistant superintendent, I believe.

Q. That is not his ordinary work, however?

A. No.

Q. He did that as a matter of emergency?

A. Yes.

Q. Do you recall along the month or so prior to your leaving there that you were sleeping on top of this kiln?

A. Yes. I was catching up on a little sleep. I had been there about 10 minutes, according to the clock.

Q. Now, you had a conversation with Mr. Baer, did you not. Where did that conversation take place?

A. By the instrument board.

Q. Did you start the conversation or did he, if you recall? [376]

A. I don't recall.

Q. How long had you known Mr. Baer?

A. From the time of my employment. I had gone to work there, working directly under Mr. Baer.

Q. Did he work along with you at times?

(Testimony of Art Hannum.)

A. As much as the boss and employee would. He was my boss and I was the employee. He was my boss.

Q. At the time you were sleeping up there, that was during the regular time and you were being paid for that, I assume? Is that correct?

A. Yes.

Q. And what took place at this conversation? What was said by and Mr. Baer regarding this, anything in connection with the union?

A. Well, as I said, he told me that he thought that if we had either a company union there or were going with the A. F. of L. that he thought Mr. Larson would have talked with us and settled it, but he didn't think Mr. Larson liked the policies of the C. I. O.

Q. What were those policies that he referred to, do you know? A. No, sir.

Q. He did not state that?

A. No. As I recall he didn't.

Q. And now, the letter referred to in Exhibit B-4, you are [377] familiar with what I am now talking about, the letter shown you by Mr. Mauritzen? A. Yes.

Q. You did not previously approve the sending of that letter? A. Approve it?

Q. Did not previously authorize the sending of that letter?

(Testimony of Art Hannum.)

A. I authorized the union to act as my agent.

Q. But you never told them to send the letter and did not see the letter until after it was sent, is that correct? As a matter you have never seen the letter before?

A. The real truth, this is the first day I have seen the letter, yes.

Mr. Howlett: I think that is all.

Cross Examination

Q. (By Mr. Gately) Do you remember Mr. Larson throwing some dirt in your face?

Trial Examiner Stephenson: That is the time you were sleeping.

The Witness: Well, on the record, I asked Mr. Larson also if he went home with all his teeth.

Q. (By Mr. Gately) Now, that is not the question.

A. No, sir, Mr. Larson never at any time threw any dirt in my face. Mr. Larson was standing down at the foot of the kiln and he called to me and I woke up and I got down off the kiln and walked around, passed my instrument board and [378] checked my instruments and went around by the clock. I had made my round at 5:00 and it was 5:15 after I had read my instrument board and went around pass the clock again. I happen to remember because I told Jack Baer about it the next morning.

(Testimony of Art Hannum.)

Q. When Mr. Larson woke you up at that time, was the bell ringing?

A. As these records on the tunnel kiln would show, no. We were on a three hour schedule, and a car went in at 3:00 and the next was at 6:00 o'clock. I had checked it at 5:00 o'clock, and the records will show that the 3:00 o'clock car went in on schedule.

Mr. Gately: That is all.

Redirect Examination

Q. (By Mr. Mauritzen) Now, at the time you were relieved by Mr. Baer, at the time when you left going out on strike, did I understand you to say that you checked things over first with Mr. Baer before you left? A. Yes.

Q. That is you checked——

A. (Interrupting) We went over the records. We went over the heat. We had instruments there to tell the heat in the various parts of the kiln, our drafts, and the schedules we were on, and the schedules and the heat were proper.

Q. Did Mr. Baer make any statement that anything was out [379] of order? A. No, sir.

Q. Did he say that things were satisfactory at that time?

A. Yes, sir, everything was all right so far as the tunnel kiln was concerned.

(Testimony of Art Hannum.)

Q. And you made an effort to check your records to see that they were all right?

A. Yes. We went over the records, just the same as we did at the end of each shift when we turn over to the next man. We went over our records for the shift with the next man.

Q. And these records would have shown if anything was out of order? A. Absolutely.

Q. Is Mr. Baer your immediate superior?

A. Yes. I believe he was in charge of the tunnel kiln there. I took my orders from Mr. Baer.

Q. Had he been your superior during the entire time of your employment on the tunnel kiln?

A. Yes, sir.

Mr. Mauritzen: That is all. [380]

Recross Examination

Q. (By Mr. Gately) When did this incident happen about you being asleep, when Mr. Larson found you asleep? When did that occur?

A. It was one Sunday about—it was 5:00 o'clock one Sunday, about a month before.

Q. A month before the strike? A. Yes.

Q. So he didn't fire you on account of finding you asleep? A. No.

Q. You stayed on until the strike?

A. Yes.

Trial Examiner Stephenson: Anything further, gentlemen?

(Testimony of Art Hannum.)

Redirect Examination

Q. (By Mr. Mauritzen) Mr. Hannum, I believe you testified that Mr. Baer did not request that you remain any longer at your kiln, did you not? — A. Yes. [382]

Recross Examination

Q. (By Mr. Howlett) Are you sure that that occasion when you went to sleep was not on May 31? — A. Was May 31 a Sunday?

Q. Well, I don't know.

A. It was Sunday—on May 31? It was just—no, it was at least a month before the strike.

Q. It was not close to Decoration Day?

A. (Pause) What date is Decoration Day?

Q. That is the 30th.

A. 30th of May—no. [383]

SAM DABICH

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Trial Examiner Stephenson: State your name.

The Witness: Sam Dabich; D-a-b-i-c-h.

Direct Examination

Q. (By Mr. Mauritzen) Mr. Dabich, have you ever been employed by the company?

A. Yes, sir.

(Testimony of Sam Dabich.)

Q. When did you first start to work for the Los Angeles Brick & Clay Products Company?

A. I started to work on January 2, 1926.

Q. 1926. Are you now employed by the respondent company? A. Yes, sir.

Q. Mr. Dabich, you were subpoenaed to appear in this case, were you not? A. Yes, sir.

Q. You did not come of your own free will?

A. No.

Q. Of what did your work consist prior to the time when the strike was called?

A. What I was doing?

Q. Yes, what were you doing?

A. I was greasing machineries, and changing oil in the motors [384] and taking care of machineries.

Q. And what did you receive per hour while doing that work?

A. When we went on a strike I was getting 50-1/2 cents per hour.

Q. 50-1/2? A. 50-1/2.

Q. And do you recall about how long you had been receiving 50-1/2 cents per hour?

A. Well, we got raised just a little before strike, but now I really, I can't tell how many days I was getting that wages.

Q. At the time of the general raise you were raised to 50-1/2?

A. It was 48 and then we get raised two cents and a half and that would make 50-1/2.

(Testimony of Sam Dabich.)

Q. And you had worked for the company something over ten years? A. Yes, sir.

Q. That was about 11-1/2 years, was it not?

A. 11-1/2.

Q. Are you a member of the union?

A. Well, I pay my initiation.

Q. When did you join the union?

A. I signed up at the first meeting.

Q. The meeting of June 1, 1937?

A. June 1, 1937. [385]

Q. And you paid your dues?

A. I paid my initiation dues.

Q. Did you go out on strike with the other employees? A. Yes.

Q. Did you take part in it? Were you on the picket line? A. Yes, sir.

Q. After the strike had been called off, when did you first apply for reinstatement?

A. I don't remember the date.

Q. Do you know about what date it was?

A. The plant started to operate on 28th of June, and I believe two days later.

Q. Well, it was on or about the 30th?

A. Around the 30th of June. I don't know dates exactly.

Q. And to whom did you apply at that time?

A. Sir?

Q. To whom did you apply?

A. Mr. Bodine.

Q. And what did he say?

(Testimony of Sam Dabich.)

A. Well, he just waved his hand like this (indicating).

Q. Did you ask him what he meant this?

A. Well, I did.

Q. And what did he say then?

A. Well, he told me nothing doing.

Q. And then did you apply for work after that?

[386]

A. Then I see Mr. Larson.

Q. And what did Mr. Larson say?

A. Larson told me they put me on.

Q. Put you on. And then what did you do?

A. Well, next day I went to the plant and they put me on. That was next day after I seen Mr. Larson.

Q. Did you see anybody when you went to work? Did you see Mr. Bodine first?

A. Yes, I see Bodine.

Q. And what did he say to you at that time?

A. Mr. Bodine, he called me in the office and he told me, I am starting in like a new man.

Q. Did he explain that any more?

A. No.

Q. Just said that you were like a new man?

A. Just like new man.

Q. And you had worked there approximately 11-1/2 years? A. Yes, sir.

Q. Did he give any reason why you were starting in as a new man? A. No, sir.

(Testimony of Sam Dabich.)

Q. And what did they pay you when you started in to work for the company again. What wage?

A. After we went on a strike?

Q. Yes. [387] A. 47-1/2.

Q. 47-1/2 cents?

Trial Examiner Stephenson: Off the record.

(Discussion outside the record.)

Q. (By Mr. Mauritsen) And what work were you doing after that?

A. I was setting brick and material for tunnel setting. At first I had been doing everything in the yard, so they started up tunnel kiln. Then after they started up tunnel kiln they put me setting for tunnel kiln.

Q. So when you went back to work you received three cents per hour less than you had before the strike, is that right? A. Yes.

Mr. Mauritsen: You may inquire.

Cross Examination

Q. (By Mr. Howlett) Mr. Dabich, when you went back to work did you have any conversation with Mr. Bodine as being satisfied with what job was given to you? A. No, sir.

Q. Were you satisfied? A. I was.

Q. Do you know who filled the job that you had before?

A. No, I don't think they got anybody on that job.

(Testimony of Sam Dabich.)

Q. During the time you were on the picket line you saw Mr. Bodine, did you? [388]

A. How?

Q. When you were on the picket line was Mr. Bodine at any time very close to you?

A. Yes. He passed, he was going into the yard, sure.

Q. Did you speak to him?

A. No, just hello, that is all.

Q. Did he speak back to you?

A. Well, not only me, he just waved his hand.

Q. Was he looking at you at that time?

A. No, I don't remember.

Q. But he was really close several times while you were there?

A. Well, while I was on the picket line, we were sitting alongside the road there and he was going in and out in the yard and most of the time he waved at us.

Q. So the job you were doing before has never been filled since? A. Not that I know.

Q. You are working there now?

A. At the brick yard?

Q. Yes.

A. Yes, but I am working different department. I never have been down in the other buildings.

Q. Well, you saw Mr. Larson before you went back to work, did you? [389] A. Yes, sir.

Q. And where did you see him?

(Testimony of Sam Dabich.)

A. Right on the crossing going in the yard.

Q. Who else was present, anybody else there?

A. With me?

Q. You and Mr. Larson.

A. Not right there.

Q. And when did that occur? A. When?

Q. What date?

A. I believe it was on 7th of July, or 8th of July.

Q. 1937? A. 1937.

Q. And what did you say to Mr. Larson at that time?

A. Well, I asked him if there is a chance to go back to work.

Q. What did Mr. Larson say to you?

A. Well, he told me he put me on, you go tomorrow morning, so I did.

Q. Was he friendly at that time?

A. Yes, sir.

Q. And did he say anything to you about being in the picket line? A. No, sir.

Q. Did he say anything to you about being a member of the [390] union? A. No, sir.

Mr. Howlett: I think that is all.

Q. Did you say anything further to him about anything? Did you say anything further to Mr. Larson on that conversation?

A. When I was asking for a job?

(Testimony of Sam Dabich.)

Q. Yes.

A. No, sir. Well, I—what did I say? Well, I say, “How is chance to go back to work?” I told him, “Maybe we made a mistake.” That is what I told him and he said, “Well, we put you on tomorrow.”

Q. You went to work?

A. And I went to work on the 8th or 7th of July. [391]

Redirect Examination

Q. (By Mr. Mauritsen) Now, at the time that you applied [392] to Mr. Larson for reinstatement, did I understand you to say that you thought you had made a mistake by going out on strike?

A. Well, I did say that.

Q. And what did he say? Did he agree with you?

A. Well, he didn't say anything. He just—that is all he did say. They put me on, that is to come and they put me on.

Q. Before he said that, you said that you thought you had made a mistake on going out on strike?

A. Well, I didn't say that we go on strike. I said maybe we made a mistake, and how's chances to get on again? Then he told me, “You go tomorrow. We put you on. You go tomorrow.” [394]

GERALD WENKER

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Trial Examiner Stephenson: State your name, please.

The Witness: Gerald Wenker; W-e-n-k-e-r.

Direct Examination

Q. (By Mr. Mauritsen) Mr. Wenker, have you been employed by the respondent company?

A. Yes.

Q. That is the Los Angeles Brick & Clay Products Company? A. Yes, sir.

Q. When did you first start to work for them?

A. The latter part of June, 1936. I don't remember the exact date, but it was just a few prior to the 4th of July; sometime in June, 1936, anyway.

Q. And what work did you first do when you worked for the company?

A. I was a rather handy man, man about, employed in different capacities. Sometimes I turned pipes, and times I wheeled clay in pans, and then if a man happened to be absent or sick, [397] I may take his place, just around one place after another. I did several types of work. I loaded trucks at odd times.

Q. What work were you doing when you were last employed by the company?

(Testimony of Gerald Wenker.)

A. Well, the position I held last was fairly steady, was transfer man for the brick and hollow tile rooms.

Q. And of what did that work consist, that is a transfer man? What do you mean by that?

A. Well, it consists of taking green products away from the shelves, and wheeling them off cars onto the transfer, shunting the cars on transfer, and taking the transfer to the dry tunnels and then placing the cars in the dry tunnels so they can be dried and taken out.

Q. When you say "green products" you mean fresh damp clay as it comes from the presses, in brick or tile?

A. It is the finished product, but it is ready to come from the presses, just been manufactured.

Q. And what wage rate were you first paid?

A. 40 cents an hour.

Q. Did you receive any increase in salary?

A. I received one increase to 45 cents an hour and three or four days prior to the strike, or rather prior to pay day prior to the strike, I received a 2½ cent wage increase, making my wage at the time of the strike 47½ cents an hour. [398]

Q. Now, did you attend the union meeting held June 1st, 1937?

A. That was the first meeting?

Q. The first meeting of the union.

(Testimony of Gerald Wenker.)

A. I did.

Q. Were the four men, Mr. Bodine, Mr. Gantz, Mr. Mills and Mr. Baer present at that meeting?

A. I personally don't recall Mr. Mills, but I recall Mr. Bodine and Mr. Gantz and Mr. Baer were there at least part of the meeting.

Q. And did you apply for membership in the union at that time?

A. I did. I was one of the early card signers.

Q. When did you sign your application card? Was that at the conclusion of the meeting?

A. Conclusion of the meeting. He asked for volunteers to come forward and sign and I was one of the first. In fact I was the fourth to come up and sign the pledge. [400]

Q. Do you recall whether Mr. Bodine or any of these other four men were still present at that time?

A. As I say, with the exception of Mr. Mills, whom I don't recall being at the meeting, the others, Mr. Gantz, Mr. Bodine,—Mr. Baer was there the latter part of the meeting, were there the first part of the signing, that was the first 15 or 20 men anyway that signed; at least that many. I made a note of that at the time.

Q. That they saw that you made application for membership?

A. (Nodding head affirmatively.)

Mr. Howlett: I object to that.

(Testimony of Gerald Wenker.)

Trial Examiner Stephenson: The objection is sustained and the answer may be stricken.

Q. (By Mr. Mauritsen) Mr. Wenker, I believe you said you were one of the first signers of the petition? A. I signed fourth.

Q. And I believe also that you testified that Mr.—that you noted that Mr. Bodine was present there until at least 15 or 20 of the signers had signed?

A. Naturally I wanted to see how much courage certain of the men had under the conditions. I made it a point to remark to some of the men, to see who went up. I also noted very closely that the foremen and superintendent were there when the early signers signed.

Q. Did you attend the meeting on June 5 at which the [401] officers of the union were elected?

A. May I ask for some information on that?

Q. Yes.

A. If that was the meeting that was held over at the Townsend Hall I attended the meeting. If that was the meeting, I attended when officers were elected.

Q. Were you there when—present at a meeting when the union officers were elected.

A. I was.

Q. Were you present at the union meeting held June 9 when the various requests were drafted to be presented to the company?

(Testimony of Gerald Wenker.)

A. (Pause) I attended every meeting but one. I think I missed that meeting. If that was the first meeting held at the pool hall I didn't attend.

Trial Examiner Stephenson: You attended every meeting then except the one at the pool hall?

The Witness: The first meeting at the pool hall. We had several.

Q. (By Mr. Mauritsen) Mr. Wenker, I show you Board's Exhibit No. 2.

A. (Examining document) I didn't attend that meeting.

Q. You were not at the meeting on June 9?

A. That was the one I missed.

Q. When did your employment with the respondent end? [402]

A. It was the second lay-off, I believe June 3.

Q. June 3, 1937? A. 1937.

Q. And who told you that you were laid off?

A. The foreman, Mr. Baer; Mr. Jack Baer.

Q. What did he say at that time?

A. Well, just a few minutes before closing time he told me he was sorry but conditions had forced them to let go some of the men. They were taking some of the men out of the crews that weren't good workers and I fell into that class so he would have to lay me off.

Q. He didn't explain what he meant by "conditions"?

(Testimony of Gerald Wenker.)

A. (Shaking head negatively.) I didn't even talk to him. I just said, "O. K." I asked for no information at all. I knew what was coming so I refused to say anything.

Q. Then he didn't say whether those conditions consisted of union activities or recession or what?

A. Didn't say a word.

Q. Now, Mr. Wenker, I show you Board's Exhibit No. 4. Will you examine it please and tell the Examiner whether your name is attached to that list?

A. (Examining exhibit) It is.

Q. Did you know that this list and the letter had been sent to the company?

A. I knew that.

[403]

Q. And you had no objection to the including of your name on this list?

A. No. I didn't have any objection.

Q. Were you on the picket line, Mr. Wenker, during the strike?

A. I was on considerably.

Q. Did you see Mr. Bodine and these other foremen pass through the line on their way to the factory?

A. I saw Mr. Bodine and Mr. Larson and lesser foremen.

Q. You saw them any number of times?

A. Several times.

Q. Did you ever speak with them?

(Testimony of Gerald Wenker.)

A. I talked to Mr. Bodine one time for a few minutes, shortly—well, it was when the last lay-off came, the men who had been out on strike were given the notice that owing to conditions they would have to be laid off too, and Mr. Bodine told me to tell any of the men who came to come in and get their checks; that was to me personally.

Q. Is that while you were on the picket line?

A. I was on the picket line then.

Q. Now, at the time when you were laid off, that is I believe on June 3, you said, did you know of any men who had worked at the plant a shorter than you?

A. Well, I had been at the plant—it was fairly near a year all told I worked there, and during that time a consider- [404] able number of men had been put on and a certain number had either been discharged or had quit, and they weren't working there for one reason or another, but I would say for every man that quit since I had been there fully three men had been put on, so though I had been there a short time I ranked fairly well in seniority at the plant. That is my own observation.

Q. Now, you said "a considerable number." Could you give us an approximate figure on that?

A. That is difficult, outside of forming an estimate. Of course, they were put on from time to time, just gradually, they come and go, but I would say

(Testimony of Gerald Wenker.)

there were fully 40 men put on after I was hired. I would say that was a conservative estimate.

Q. Now, Mr. Wenker, do you know whether the job that you held has been filled since you have not been employed by the company?

A. As far—as far as first-hand information is concerned, I can't say, only through hearsay, and I couldn't give anything actually definite on that.

Q. Well, since you transferred products from the presses and so forth to the kilns, it would be necessary, would it not, that the transfer be operated?

Mr. Howlett: Just a minute. I object to that as calling for a conclusion of the witness.

Trial Examiner Stephenson: Overruled. [405]

The Witness: Well, as long as any finished products, any products being manufactured, it would be necessary for some transfer to be running. But, to say—there are three transfers, and anywhere from three to five men that could possibly run; one might possibly run at a time, or three or four might run simultaneously, whatever they are manufacturing, where my job would be filled or wouldn't, but I would say at least part of the time my place would be filled.

Cross Examination

Q. (By Mr. Howlett) Mr. Wenker, you worked for the company less than one year?

A. A little less than a year.

(Testimony of Gerald Wenker.)

Q. And when you first started there what did you do?

A. Well, a handyman, a jack of all trades, not skilled labor; common labor.

Q. How long did you work at that work?

A. (Pause) I would say around three months, as far as I can remember. [406]

Q. Then what did you do?

A. Well, I was practically steady transfer man from then on after. I was—this was just about the time school started, maybe a few weeks later in '37, and I was put on the transfer and three or four of the men went back to school that had been on the transfer, on and off with me, and I was on steady as could be out there on the job as long as the work was demanded I was on the transfer continually with the exception of loading trucks sometimes in the morning or afternoon. We would be called off to load trucks. I kept the steady transfer man around eight months there.

Q. You worked at that particular work until you left? A. Yes, sir.

Q. There were three transfers you worked on?

A. Well, there were two I worked on steady, the middle transfer, the hollow—the roof tile transfer I worked on occasionally. [407]

Q. And just when did they leave first? You didn't see Mr. Mills. When did Mr. Bodine leave?

(Testimony of Gerald Wenker.)

A. Well, he left sometime during the applications, after the first applications were in. [410]

Q. You have been working on odd jobs since you left there? A. Different places.

Q. Where?

A. One thing, I have a place I take care of, quite an estate, across the lake. [416]

How many men were employed after you had been employed that were doing the same type of work that you were doing at the time you left your employment?

A. You mean in regard to transfer work?

Q. Yes.

A. That would take a little thinking to try and recall. (Pause) Well, when I first came to the plant there was one steady dry transfer man on our end. He is called Tommy, a Mexican boy.

Q. What is his name?

A. Tommy. I don't remember his last name. He worked on the hollow—on the roofing tile machine. They run roofing tile most. As far as the other transfer people, using transfers at our end, to my knowledge I was the first steady man on that transfer from the time I was employed, and from then on I held the job steady on that end.

Well, after that, there was one man put on the dry press steady, first Mr. Louis Juarez, he was put on the floor as pipe finisher and then Mr. Hannum was the next man that was really steady on that

(Testimony of Gerald Wenker.)

press, the dry press. I was the only steady man on my transfer. [418]

Q. (By Mr. Mauritsen) Mr. Wenker, did you work steadily up until the time you were laid off?

A. Outside of last winter, which was an exceedingly wet year and in the plant naturally we lose a certain amount of time, but outside of that I was what you called very steady on the job. [420]

GUSTAF LARSON

a witness recalled for and on behalf of the National Labor Relations Board, having been previously duly sworn, resumed the stand and further testified as follows:

Direct Examination

Q. (By Mr. Mauritsen) Now, Mr. Larson, I believe you testified the other day that you had carried on your negotiations with the employees at the plant individually, is that correct?

A. Well, whenever there had been things to take up with the employees, it was individuals.

Q. And you never bargained with them as a group, or as the entire membership, merely as individuals?

A. That is correct.

Q. And that had been during the entire period of time that you were there? [424]

A. Yes, sir.

(Testimony of Gustaf Larson.)

Q. You found that method of negotiation satisfactory, did you not? A. I did.

Q. So that you preferred that method of negotiating with your employees? A. I did.

Q. That is, it was entirely satisfactory, and you saw no reason to change?

A. I had no other way; never been asked me to ever bargain collectively by any group of men.

Q. So that when this petition was presented to you, you immediately took it up with Dr. Nylander?

A. I took it up with Dr. Nylander before any petition was ever made, wrote to me.

Trial Examiner Stephenson: I don't believe the witness understood which petition you referred to, Mr. Mauritsen.

Q. (By Mr. Mauritsen) This petition that was presented to you out at the plant on the 10th of June. I will show you Board's Exhibit 2. That is the petition to which I refer.

A. I took it up with Dr. Nylander the following Tuesday.

Q. But, in other words, you didn't take it up with the workers, you were willing to take it up with Dr. Nylander, but not with the workers?

A. Why, I had to—I had no way to take it up with the [425] workers. When I came the following day, they were all on the picket line. I had no men in there.

(Testimony of Gustaf Larson.)

Q. Now, as I understand it, you were at the plant at about ten a. m., were you not?

A. Yes.

Trial Examiner Stephenson: Of what day?

The Witness: The day that petition was handed.

Trial Examiner Stephenson: The day the petition was handed to Mr. Bodine, in the morning. You were there the same morning at ten o'clock?

The Witness: Yes.

Q. (By Mr. Mauritsen) Mr. Bodine told you of the petition immediately upon your arrival?

A. Yes.

Q. You were told—you said you had no opportunity that day to take it up with the workers?

A. I had no way to answer the demand like that. I had no authority to answer a demand like that.

Q. Well, now, what position do you hold with the company, Mr. Larson?

A. General superintendent.

Q. Did you also testify that you were the largest stockholder? A. I was.

Q. That you were a director of it? [426]

A. I am.

Q. Of the company? A. Yes.

Q. Now, what, in your capacity as general manager, what authority do you have?

A. Well, I have general authority, any business that comes along, what that demands, that has got to be taken up by the Board.

(Testimony of Gustaf Larson.)

Q. Well, now, was it possible for you to speak with the men as general manager?

A. Well, but if I did, I couldn't answer anything that was in that demand.

Q. I mean, couldn't you, if a group of men came to you and said they wanted to confer with you, as employees, as general manager, could you talk with them? Now, just talk with them.

A. All right. Let me hear the question.

(The pending question was read by the reporter as set forth above.)

The Witness: Absolutely.

Q. (By Mr. Mauritsen) In other words, it didn't take an act of the Board of Directors for you to talk with them? A. Sure.

Q. As general manager you had that authority?

A. No, I could talk to them.

Q. I mean you could talk with them? Could you? [427] A. Yes, sure.

Q. And you could then confer with the board of directors and find out whether they would meet any request the workers made, couldn't you?

A. I could, but there was no group of men.

Q. I mean, just as a general proposition, not referring to any specific instance.

A. If a group of men had come to me, I certainly could have talked with them.

Q. But you had the authority to confer with the employees if they requested it?

(Testimony of Gustaf Larson.)

A. To listen to their demand.

Q. Now, as general manager of the company, would you have authority to grant a general pay increase?

A. I am not a general manager. I am general superintendent.

Q. Well, is there a general manager?

A. No.

Q. So that as general superintendent, you fulfill approximately the same office?

A. I practically do.

Mr. Mauritsen: Will you read the question?

(The record referred to was read by the reporter as set forth above.)

The Witness: No, sir.

Q. (By Mr. Mauritsen) That would have to be taken up by [428] the board of directors, would it not?

A. Yes, sir.

Q. Was a general pay increase granted at the—strike that.

Was a general pay increase granted the employees on the first of June?

A. No. It was granted in the middle of April.

Q. But it was to become effective the first of June?

A. For me to us my judgment.

Q. And in your judgment conditions warranted the grant on June 1?

A. I wanted to be sure first, to find out whether the other clay product companies had—they had

(Testimony of Gustaf Larson.)

both raised the wages, and I found out how they had done it, so as soon as I found out, I raised the minimum, the same as they did, and all the way up the line. That is the reason—I couldn't find out by May 1, and it took to June 1.

Q. Oh, I see. The Board of directors then authorized you to make a study and then, when the conditions warranted it, to make the increase when you thought it best? A. Yes.

Q. Was the meeting of the board of directors held in April that authorized that increase?

A. It was.

Q. And in your opinion June 1 was the proper time for the [429] increase to go into effect?

A. I found out from the other clay products how much they had raised, and as soon as I found it, I done it. I increased it June 1. I found out the middle of June, or maybe the first part of June.

Q. You said "June." Is that—do you mean May? A. May.

Q. I didn't—did you have anything further on that? I didn't mean to interrupt you.

A. No.

Q. I wanted to check that date.

Now, as general superintendent, did you have authority to designate the men who would be laid off and men who would be hired?

A. I did, but I give that instruction to Mr. Bodine.

(Testimony of Gustaf Larson.)

Q. You instructed him as to who was to be laid off?

A. I instructed Mr. Bodine to lay off all the men that were last hired, except for efficiency,—if we had a better man, even if the last man we had, and he was a good man that was valuable to us, to keep him and keep as many as possible of the machine men so we could start more units. That is the reason that more men was laid off in the yard, outside men, then there was in the machine men.

Q. Now, did it take a meeting of the board of directors to authorize you to do that, or just how did you receive that [430] authority?

A. I used my own authority there.

Q. You used your own authority there, so that in some instances when you acted you were authorized by the board and in some you just used your own judgment?

A. That is correct [431]

Q. Now, referring to this conference held in Dr. Nylander's office, at the time when the representatives of the union were present, just what took place at this conference, Mr. Larson? [438] Can you tell the Examiner?

A. I can.

Q. Did you arrive there before the employees?

A. I did.

Q. Did you talk with Dr. Nylander?

A. I did.

Q. And what did you discuss with Dr. Nylander?

(Testimony of Gustaf Larson.)

Trial Examiner Stephenson: Pardon me. Before you answer, was anyone else present besides you and Dr. Nylander?

The Witness: No.

Trial Examiner Stephenson: All right.

The Witness: Dr. Nylander said that the employees were in from Alberhill plant. That meeting was June 23. I believe it was the 23rd or 24th. Dr. Nylander said there was a committee here from Alberhill and they wanted to be—wanted all the men put back and rotate the work. I said that is not practical and can't be done. Furthermore, our business, we can't take all the men back because on account of lack of manufacturing orders.

I explained, I told him that we had no orders to make. We had material to send out, and right then the men come in.

Q. (By Mr. Mauritsen) Then what took place?

A. He said, "Boys, I can't do anything for you. You struck. You were the leaders. You told your men something that can't be lived up to. You got no right to run their business. [439] Mr. Larson has told us his story and I believe it is true. If I didn't believe him, I got ample means to find out whether it is so or not."

Mr. McNutt spoke up and he said, "There wouldn't be any need of laying off men if the business was run right, if he put union labor, and all the material would sell itself."

Dr. Nylander said, "Well, boys, if you know so much about it, why don't you all go out and sell the

(Testimony of Gustaf Larson.)

material? I am sure Mr. Larson would pay you a reasonable commission.”

I said, “I am willing to sell it at the regular price.”

One man spoke up and I think it was—I am not certain, but I think it was Mr. Hannum, and he said, “Bull. What do we know about the business?”

Q. (By Mr. Mauritsen) What happened?

A. So McNutt said—they wanted—we had then a lot of men back, workers hired on seniority, and I asked Mr. McNutt, “How long have you been working for the company?”

He said, “Five months.”

I said, “What chance have you got to get back in seniority, when only need at most 150 men?”

Q. Then what?

A. And that ended the whole thing. He said, “Well, boys—” no, he didn’t. Dr. Nylander said, “Boys, I can’t do anything for you, but when they re-hire and start up the plant, I will see that seniority prevails,” and that ended the meeting. [440]

Q. You didn’t take a large part in the conversation, did you? You didn’t say very much?

A. Well, I told you what I did say. [441]

Cross Examination

Q. Was that the meeting that you had reference to as having had with Dr. Nylander, the first meeting you had with him?

(Testimony of Gustaf Larson.)

A. No, that was the last or the next to last. I believe I testified last meeting that this was the last, but I believe that Mr. Stuart and I went back up there the last time. That was after the men was back. I think I did.

Trial Examiner Stephenson: Might I interrupt for just a moment. How many meetings did you have altogether with Dr. Nylander?

The Witness: Four; four meetings.

Trial Examiner Stephenson: And it was at the third meeting that the representatives of the union were present? The Witness: That is correct.

Trial Examiner Stephenson: All right.

Q. (By Mr. Howlett) When was meeting No. 1? A. It was the 16th day of June.

Q. Where was that held?

A. In Nylander's office.

Q. Who was present?

A. Nylander and myself.

Q. And how did you happen to go in on that occasion?

A. I asked for a meeting, asked our office to make an appointment. I wanted to see him. I wanted advice as to what to do.

Q. And what advice did you ask him? [445]

A. I brought that demand and handed it to him.

Q. Referring to——

Trial Examiner Stephenson (Interrupting): Board's Exhibit No. 2.

(Testimony of Gustaf Larson.)

Q. (By Mr. Howlett) Board's Exhibit No. 2.

A. He read it and handed it over to Mr. Howard. He said, "That strike is illegal." They can't do that.

"Well," I said, "They are doing it."

So we talked just a few minutes and he excused himself, had to go to another meeting, and he told me to go in with Mr. Howard. In the meantime Mr. Howard had left and went in his office. I went in there and Mr. Howard said, "I just called up the union headquarters here in Los Angeles. They told me that they had never authorized the union to strike, and it was illegal, and they would call the strike off if I take all the men back to work and have an election with the Government supervising the election."

I told him, "It can't be done. The men is out. The place is closed down. We had a big loss, and with the assurance that we would get, if the men come back to work, they wouldn't do the same thing the next week again——" I referred to the burners, if they wouldn't go off and leave us the same thing.

Before Nylander left he said, "Mr. Larson, I am going to San Diego over the week-end, and I will make a point that [446] I am going to drive by Alberthill and have a talk to the men." Whether he did do it or not I never asked him.

Q. Well, you went to see Dr. Nylander for advice?
A. I did.

(Testimony of Gustaf Larson.)

Trial Examiner Stephenson: Off the record.

(Discussion outside the record.)

Trial Examiner Stephenson: Gentlemen, may it be stipulated that the Mr. Howard referred to by the witness in his testimony is Maurice Howard, Chief Field Examiner for the National Labor Relations Board, Twenty-first Region?

Mr. Howlett: So stipulated.

Mr. Mauritsen: So stipulated.

Q. (By Mr. Howlett) Did you have an occasion, or did you know the provisions of the Wagner Act at the time you went to see Dr. Nylander?

A. Didn't know anything about it.

Q. What did you go there for?

A. For advice, what to do.

Q. In regard to the difficulties that you were having at the Alberhill plant?

A. In regard to that demand, the difficulty.

Q. And did you get advice from him other than what you have stated? A. No.

Q. When was the next meeting that you had with Dr. Nylander? [447]

A. It was two or three days after; Mr. Prussing and myself went up there. He is our secretary.

Q. And who was present at that meeting?

A. First Dr. Nylander, Mr. Prussing and myself, then he sent us in to see Mr. Howard, and Prussing and myself.

(Testimony of Gustaf Larson.)

Q. What happened at that meeting?

A. Nothing happened except Mr. Howard wanted us to take all the men back and put them all back to work and have an election and be able to supervise the election.

Q. What conclusion did you come to about taking all the men back to work?

A. We couldn't handle it; had no need for that many men.

Q. Did you tell him that?

A. I told him that.

Q. What did he say?

A. Nothing. That was all there was to it.

Q. And did he give you any further advice?

A. No.

Q. Then the fourth meeting was the meeting in which the members were present?

A. Yes, sir.

Q. Strike that—the employees were present?

Mr. Stuart: That is the third meeting.

Q. (By Mr. Howlett) That is the third meeting and your [448] fourth meeting was when?

A. That was after we started operating, that was the following week, that was the 27th or 28th or 29th, I don't remember.

Q. What month? A. June.

Q. 1937? A. Yes, sir, 1937.

Q. And who was present at that meeting?

(Testimony of Gustaf Larson.)

A. Mr. Stuart, myself, and Dr. Nylander, I believe it was. I think it was Howard. I don't know if Dr. Nylander was there.

Q. What was the purpose of that meeting?

A. I was called there. At that meeting I was called to that by Nylander.

Q. And what did you do there?

A. The same thing as before.

Q. What did you discuss?

A. About taking all the men back and have an election.

Q. Nothing was accomplished at that time?

A. We already had the men back. We had 100 men, 115, something like that. [449]

Q. Did you, at any time in your discussion, in talking with the workers, ever tell them they could not join a union?

A. Never did.

Q. What is your opinion about unions?

A. Unions is all right, if properly run.

Q. Did you ever suggest to them they form a company union or an employees' union?

A. No, sir.

Q. Did you ever tell them that you would favor to see the A. F. of L. in charge rather than the C. I. O.?

A. No, sir.

Q. Did you ever have any information as to the number of men, if any, that were in the union?

A. No, sir, never knew there was one or whether 100. [451]

(Testimony of Gustaf Larson.)

Q. Do you know today?

A. No, I don't, except what I heard here.

Q. Those cards were never shown to you before?

A. No, sir. [452]

Q. What were your relations with Dr. Nylander?

A. Very friendly; couldn't be any better.

Q. He gave you good treatment?

A. Certainly did.

Q. And the conference was entirely friendly?

A. Absolutely.

Q. Do you respect him for his judgment?

A. I certainly do.

Q. And *was* is your opinion concerning this particular matter of the handling of labor which may be designated as the new deal legislation?

A. I think it is all right.

Q. Do you agree with it?

A. In some way I do.

Q. Will you explain that?

A. Well, I think when unions definitely go beyond their demands, that they try to tell you how many men to work, and [453] that you divide up the work to them, amongst them, when it is not practical, and give you 24 hours' notice or close down the plant, I think that is unreasonable and they ought not to demand that. If the men had come like men, in a committee, and say, "Here, we have a

(Testimony of Gustaf Larson.)

grievance," they wouldn't have had any trouble. We would have had a conference. I would have said, "Well, this is beyond me, but I will take it up with our board at the next meeting. You boys go ahead and keep at it, and we will see what we can do, and I will let you know after our next directors' meeting," but that demand is beyond me. I couldn't answer that.

Redirect Examination [454]

Q. (By Mr. Mauritsen) Now, at the time you first conferred with Dr. Nylander, when you took Board's Exhibit 2 to him, did you explain to Dr. Nylander that there was a petition presented by the union, and that you had made no attempt to confer or negotiate with the union when you presented that petition to him? [456] A. I did.

Q. You did?

A. I told him, I said, "This comes just in an opportune time because we got no manufacturing orders, and we are forced to lay off men. We close one or two months, or maybe longer." Now that was with Howard, but at the same meeting, see? [457]

Recross Examination

Q. Did you and Mr. Bodine ever speak about a union, have any conference on unions?

A. Many times.

Q. Around June 1? A. No doubt.

Q. And what was the nature of those?

(Testimony of Gustaf Larson.)

A. I can't tell you that. I talked about unions, many of them, but if you asked me about a certain meeting, why I couldn't tell you.

Q. Did Mr. Bodine tell you he attended a union meeting? A. Never did. [459]

Q. He didn't tell you? A. No.

Q. You didn't know anything about him attending a meeting? A. No.

Q. You didn't tell him that a union was coming into the plant?

A. I told him let them organize. I never had anything against them. [460]

Q. You testified here the other day that you would not have Hannum back to work on account of finding him asleep on top of the kiln?

A. That is correct.

Q. Why did you not fire him when you found him asleep on the kiln? Why did you wait a month and still not fire him?

A. I did not wait a month. I waited two or three days.

Q. The man was still working there until the day he walked out on strike.

A. When I caught that man asleep Sunday after Decoration Day, May 31, and the following Monday I took it up with Jack Baer, the foreman there. We was considering what man we were [461] going to put in his place. We couldn't decide that right in a hurry, and he went on strike a few days after.

(Testimony of Gustaf Larson.)

Q. It was eleven days elapse between the time he went on strike and Decoration Day—12 days.

A. Well, even so, it costs money to break in a man. We want to be sure to get a man better than that what we had. We tried to pick one. [462]

Recross Examination

Q. (By Mr. Howlett) Do you have it in your mind now, or ever had it in your mind, any particular objection to this union, or the men joining it?

A. None whatever.

Q. Have you ever so expressed yourself?

A. No, sir.

Q. You feel that way today? A. I do.

Q. Do you feel that any of the men, by reason of their union activities, or what they did, should be kept from their jobs if you had work?

A. None of them are kept from work on that account. [464]

Q. (By Mr. Stuart) Mr. Larson, as a matter of fact, after reading these cards here, and finding out who are in the union, do you know whether you have taken back any union men or not?

A. Well, all those men is union men—I will change that—all the men we employed now is all the men we had before the strike, with the exception of 16 or 17, and other than those 16 or 17, there is one mechanical engineer—he is a draftsman—and another one is a brick-setter, see? The rest

(Testimony of Gustaf Larson.)

are clay-diggers, Mexicans, that none of these American boys would qualify or take the job.

Recross Examination

Q. (By Mr. Gately) Did you ask any of these boys if they would take the job?

A. I haven't asked. I don't handle them.

Q. Do you know if they were ever asked if they would take those jobs? A. I don't know.

Q. Why do you decide that they wouldn't take them?

A. Well, if they did take them, they couldn't qualify. These boys wouldn't work in a clay-pit, in the sun down in the [465] clay. We had an experience, and we know that it don't work; they can't qualify for a job like that.

Q. Is that something extra heavy or of extra skill?

A. Well, pick and shovel in the clay pit in the summer time when the weather is hot, it takes a pretty good man for that kind of work.

Q. Is it your impression there ain't no good white men?

A. For that job, and I believe you will agree with me.

ARTHUR O. BODINE

a witness called for and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Trial Examiner Stephenson: State your name, please.

The Witness: Arthur O. Bodine.

Trial Examiner Stephenson: And will you spell it? [466]

The Witness: B-o-d-i-n-e.

Direct Examination

Q. (By Mr. Mauritsen) Mr. Bodine, how long have you been employed by the Los Angeles Brick & Clay Products Company?

A. Since February 1, 1931.

Q. Of what did your duties consist when you were first employed by Respondent?

A. Well, consisted of being, for a while, a sort of what we term as a working foreman.

Q. And does that imply that you worked with the men, and there were foremen at the same time?

A. That is pretty much right.

Q. And how long have you occupied your present position with the company?

A. Well, I believe since 1934. I think about November, I believe. I am not sure about that now.

Q. What is your present position with the company? A. Plant superintendent.

Q. And of what do your duties now consist?

(Testimony of Arthur O. Bodine.)

A. My duties consist of supervising the operations of the plant under the supervision of Mr. Larson, and his direction, you might say.

Q. You have general charge of hiring and firing men, do you not? A. Yes, sir. [467]

Q. Do you confer with Mr. Larson when a man is to be discharged from the company, or do you do that upon your own initiative?

A. Well, except in very rare occasions I probably would just use my own judgment.

Q. So that generally speaking you would say that you have control of hiring and firing the men?

A. Yes.

Q. Now, let me see. I believe you showed me, the other day, certain records regarding the number of employees that you have, did you not?

A. Yes, sir.

Q. I wonder if you could let me see those records again, your time book and that list of all of the men, with the numbers, I believe from May 1 until July 1.

A. In that book we were looking at?

Q. Yes.

The Witness: May I be excused to get that?

Trial Examiner Stephenson: Yes.

(Witness obtains book.)

Q. (By Mr. Mauritsen) Now, what is the record that you now have in your hand? Is that a record you keep personally?

(Testimony of Arthur O. Bodine.)

A. No, this is a record that is kept by our office man, taken from the payroll account which summarizes the period during the months as to the fluctuations in our personnel. [468]

Q. And that is from the beginning of 1937, is it not?
A. Yes, sir. [469]

A. We had 163 at the beginning of April.

Q. At the end of April how many did you have?

A. 168.

Q. So that you again hired five more men during the month of April, did you not?

A. That is right.

Q. And during the month of May, at the beginning of May, how many men did you have?

A. 166—at the beginning—168.

Q. 168 men. And at the end of May how many men did you have?
A. 166.

Q. 166 men?
A. Yes.

Q. So that during the first five months, on the whole, you were employing more men than you had in succeeding months, did you not?

A. Yes.

Q. That is not many, but you were employing men during that period.

Now, at the end of July, how many men did you have employed, by your records?
A. 146.

Q. And by the end of August, how many men did you have [470] employed, by your records?

A. 153.

(Testimony of Arthur O. Bodine.)

Q. And by the end of September, how many men did you have employed, by your records?

A. 154.

Q. So that by the end of August, you were employing perhaps 12 or 13 men less than you were during May, is that not true?

A. Yes, that is true.

Trial Examiner Stephenson: All these months that you have been referring to are in 1937?

Mr. Mauritsen: 1937.

Q. Now, Mr. Bodine, are you satisfied as to the accuracy of that record?

A. That record is accurate.

Q. If there were any variations, it would never be more than one or two men?

A. There would not be.

Q. Now, do you have that other list?

(Discussion outside the record.)

Q. (By Mr. Mauritsen) Now, Mr. Bodine, did you attend the meeting of the union held on June 1, 1937, at the American Legion Hall?

A. Yes, sir.

Q. Were you invited to attend that meeting?

[471]

A. Well, I wasn't invited, only as the rest of the employees. We had a lot of handbills right around the office, and they was around the plant telling of the meeting, and it is the only invitation; no personal invitation.

(Testimony of Arthur O. Bodine.)

Q. Do you know anything about unions, Mr. Bodine? A. About unions?

Q. Yes.

A. Never belonged to a union in my life.

Q. Never have? A. No, sir.

Q. Do you know whether a superintendent of a plant would be eligible for membership in a union?

A. Well, I know now, from what I have heard, that I wouldn't be eligible as a voting member.

Q. In other words, you knew that you were ineligible to membership?

A. I didn't know at that time, because I didn't know what were the requirements of a person to get in a union.

Q. What was your purpose in attending the union, the meeting of the union held June 1, 1937?

A. Well, I guess more for curiosity than anything else. And, being a member of the American Legion, and the meeting being held in the American Legion Hall, I felt like—

Q. (Interrupting): You were entitled—

A. (Interrupting) —I wouldn't be out of order by walking [472] in and if I was, I probably would be told to get out, and then I would do that very agreeably.

Q. Being general superintendent, you are naturally interested in any activities that the men might be carrying on, weren't you?

(Testimony of Arthur O. Bodine.)

A. Well, not necessarily from that standpoint, just personal curiosity, more than anything else. [473]

Q. Now, Mr. Bodine, about how many men would you say were present at that meeting?

A. Well, that I don't know as I could estimate very close on that. Probably there were in the neighborhood of 65 men.

Q. About 65 men.

How many of these men applied for membership? A. That I do not know.

Q. But you were there at the conclusion of the meeting when the organizer asked for applications, and let them sign blacks, were you not?

A. As soon as the speaker had finished and had gone into that part of the meeting, why, then I was through.

Q. Then what happened after the meeting was over? What did you do? A. I went home.

Q. Went home.

Did you see other of the foremen of the company present at that meeting?

A. Well, I saw Mr. Gantz, Mr. Mills, and I saw Mr. Baer as I got outside. I believe it was outside that I saw him.

Q. They were also present at the meeting?

A. Yes.

Q. You saw them there. Now, when did you advise Mr. Larson [475] that the union was being formed in the plant?

(Testimony of Arthur O. Bodine.)

A. Well, I don't just recall the time that it was. It was some time after this meeting.

Q. After the first meeting, of course?

A. Yes.

Q. Well, what did you advise him—was it a month after the meeting was held?

A. No, it was less than that.

Q. Less than that. Within the next day or two, as a matter of fact, wasn't it?

A. Probably within the next three or four days. I don't just recall how it was. It was on some one of his visits following that.

Q. You were rather hazy on that point then. In other words, it could have been the next day, so far as you recall?

A. (Pause) Well, it may have been the next day, as far as I can say.

Q. You didn't advise him that night, though?

A. No, I couldn't, because—this was a thing that was evident. We had handbills around the place and handbills were not picked up. They were just left as they had been distributed around, and they were probably visible all along the road coming into the plant. Anyone would know we were having some union activity.

Q. Now, Mr. Bodine, regarding these lay-offs that occurred [476] beginning June 2, 1937, who advised you as to the men to be laid off?

A. Well, I am pretty much the one who took care of that.

(Testimony of Arthur O. Bodine.)

Q. Did you—

A. (Interrupting) Of course, with the suggestion of Mr. Larson, that we keep the men, the oldest men, from one standpoint, and the standpoint of their value to the company from the other.

Q. Well, Mr. Larson advised you as to the men to be laid off then, didn't he?

A. Not necessarily by name, not by name.

Q. Well, how did he designate those to be laid off?

A. Well, by specifying them as a machine crew and a setting crew, and those.

Q. But he told you that some men were to be laid off and left it up to your judgment, did he not? Is that right?

A. Yes.

Q. Now, Mr. Bodine, you have had considerable experience in handling men, in firing and hiring them over a number of years, have you not?

A. Yes.

Q. So that all things being equal, you have found it in your experience, have you not, that men who have been doing the work are better qualified to do that particular work than anyone who is entirely inexperienced, is that not true? [477]

A. Please state that question again.

Trial Examiner Stephenson: Read the question, Mr. Reporter.

(The pending question was read by the Reporter as set forth above.)

(Testimony of Arthur O. Bodine.)

The Witness: That is not true, if I understand the question correctly.

Q. (By Mr. Mauritsen) Then it has been your experience that men who have had absolutely no experience are better qualified to do the work than men who have been working at it some time, is that true?

A. Well, there are exceptions, of course, that cover that. For instance, some men are more progressive, more industrial, and some are more physically fit for certain work, and those are the things I have in mind as deciding whether the man who has been working at something would be more qualified than the man who has not, where no practical experience is necessary. That is what I am getting at.

Q. My original question was, that all things being equal, a man of equal intelligence and equal strength, and equal ability, that the experienced man would be better qualified, would he not?

A. He should be in that case. [478]

Q. Now, at the time when these union men were returned to work, as a condition of their re-employment, request that they engage in no further union activities? [483]

The Witness: Did I inquire? I did not.

Q. (By Mr. Mauritsen) Did you require that as a condition of their re-employment?

A. No condition.

Q. (By Mr. Mauritsen) Did you or did you not make a statement to Mr. Dabich that he was

(Testimony of Arthur O. Bodine.)

beginning as a new man when he applied for reinstatement?

A. I can't recall as having made such a statement. But, if I made such a statement, I would have meant by that that coming back as a new man, he would have to take the job we had [484] open for him, and we didn't, we couldn't put him back on the job he had been on.

Q. Did you mean thereby that he lost any seniority that he might have had at the plant?

A. No; no.

Q. In other words, you, although he had gone out on strike, still regarded him as an employee of the company, did you not?

A. The same seniority as he had when he went out. [485]

Q. (By Mr. Mauritsen) Well, these men who were laid off beginning June 2 to June 9, inclusive, did you consider that they were being merely temporarily laid off, or were they being permanently discharged?

A. I considered them as being temporarily laid off.

Q. So that you still considered them as employees of the company, merely——

Mr. Howlett (Interrupting): I object——

Trial Examiner Stephenson: (Interrupting) Finish your question.

Q. (By Mr. Mauritsen) ——being temporarily out of work?

(Testimony of Arthur O. Bodine.)

Mr. Howlett: I withdraw that objection.

The Witness: Yes.

Q. (By Mr. Mauritsen) Now, Mr. Bodine, did you, or did you not, receive the petition of the workers on June 10, 1937?

A. That is this document?

Q. I am referring to Board's Exhibit No. 2.
[486]

A. I did receive that.

Q. What time of day did you receive that on June 10?

A. Oh, that was some time shortly before seven-thirty, probably seven-twenty, something of that sort.

Q. Did you take——

A. (Interrupting) A. M., that is.

Q. Did you take any action in regard to that petition?

A. Any action I took was to hand it to Mr. Larson when he arrived at the plant. [487]

Q. But he was here about ten o'clock on that day. What did you do when he arrived at the plant? A. I handed him this letter.

Q. And what did he say to you then?

A. He said—he read it over and said, “Well”, he says, “I can't do anything about that until I take it up with the directors.”

Q. Did he ask you about the men who had signed the petition?

A. No, not to my knowledge. [488]

(Testimony of Arthur O. Bodine.)

Q. Showing you Board's Exhibit 2, do you know the men who signed the petition?

A. Yes, I know them.

Q. You knew they were employees of the plant, did you not? A. Yes.

Q. So that this wasn't a chance you just thought it was a petition given you by an outside interest, or something like that?

A. No, I realized it must be authentic. It was brought in and handed to me by Mr. Lucas who was an employee.

Q. Did you see Mr. Lucas at the meeting of June 1? A. I don't recall seeing him there.

Q. But you realized there might be a union in the plant having been at the meeting June 1, did you not?

A. I realized that there probably would be a union.

Q. And then you showed it to Mr. Larson, and what did he say?

A. After having read it, he said he couldn't do anything about that until he could—I don't recall whether he said call a directors' meeting, or take it up with the directors. Take it up with the board of directors, I think, is probably the way he put it.

Q. Did you suggest that he take any action at that time on the petition? A. I did not. [489]

Q. You were perfectly willing the men should go out on strike without making an effort to confer with them?

(Testimony of Arthur O. Bodine.)

A. I wasn't—not knowing what the law might be in a case of that kind, I couldn't say. I couldn't advise anybody what to do in that case. In fact, it called for an answer so soon, it just kind of had me bewildered to know what we were going to be able to do about it.

Q. You received that at seven-thirty in the morning, approximately? A. Yes, sir.

Q. And you knew—strike that.

So that you thought it necessary to think it over more than one day?

A. When I turned that letter over to Mr. Larson, and he informed me that he couldn't do anything about it at that time, until he consulted with the directors, or he said that he had to call a directors' meeting, that eliminated me from even giving a thought about the thing, that I might be able to do anything about it. If he didn't have the authority to act on that, I knew that I didn't.

Q. Now, you have been here during the course of the hearing, have you not? A. Yes, sir.

Q. Now, Mr. Lucas testified that late in the day of June 10 that he had a conversation with you respecting the presen- [490] tation of this petition, and concerning unions. Do you recall such a conversation? A. I do.

Q. And what did you say to Mr. Lucas at that time?

(Testimony of Arthur O. Bodine.)

A. I went out to the machine shop where Mr. Lucas was working, and told him that I had taken this matter up with Mr. Larson; that Mr. Larson stated that he couldn't do anything until he had either consulted with the board of directors or called a directors' meeting, one of the two. I don't recall just how he stated it, but it was in reference to taking this matter up with the board of directors.

Q. Did you say anything in that conversation about unions? A. I did not.

Q. Made no statement? A. No, sir.

Trial Examiner Stephenson: Are you through interrogating the witness at this time in regard to Board's Exhibit 2? Are you going to pass on to something else at this time? If you are, I have some questions in regard to that that I would like to ask now.

Mr. Mauritsen: Go ahead.

Trial Examiner Stephenson: Mr. Bodine, who handed you Board's Exhibit 2?

The Witness: That is the paper you have?

Trial Examiner Stephenson: That is the paper I have in [491] my hand.

The Witness: Mr. Lucas.

Trial Examiner Stephenson: Did you read it while he was standing there?

The Witness: Yes, sir.

Trial Examiner Stephenson: Did you make any comment to him at the time?

(Testimony of Arthur O. Bodine.)

The Witness: I told him that I couldn't do anything about that; that I would have to take it up with Mr. Larson.

Trial Examiner Stephenson: Did you say anything to him at that time about the shortness of the time in which to act?

The Witness: I don't recall having made any comment on that.

Trial Examiner Stephenson: You just told him you would take it up with Mr. Larson?

The Witness: I remember distinctly telling him that I would have to get it over to Mr. Larson.

Trial Examiner Stephenson: Then after having taken the matter up with Mr. Larson, you told Mr. Lucas that nothing could be done until there was a meeting of the board of directors, is that right?

The Witness: I told Mr. Lucas that Mr. Larson told me that he couldn't do anything about that until he had—was either consulted with the directors, or called a directors' meeting. [492]

Trial Examiner Stephenson: At that time did you ask Mr. Lucas to give you more time in which to consider the matter before they went out on strike?

The Witness: No, sir. It didn't occur to me.

Trial Examiner Stephenson: Did you, after receiving this Board's Exhibit 2, get in touch with Mr. Hannum, the president, the man who signed his name as president, or McNutt, who signed his name

(Testimony of Arthur O. Bodine.)

as secretary-treasurer, and ask them to give you more time in which to consider the matter?

The Witness: No, sir.

Trial Examiner Stephenson: Did you discuss the matter with either Mr. Hannum or McNutt at that time, or that day, either before you took it up with Mr. Larson or afterwards?

The Witness: No, sir.

Q. (By Mr. Mauritsen) Now, Mr. Bodine, I show you Board's Exhibit No. 3. [493]

A. (Examining document)

Q. Having examined the letter, have you ever seen the original of that letter?

A. I believe that Mr. Larson brought that out from Los Angeles and showed it to me.

Q. So that as far as you know, this was never received at the plant?

A. You mean signed for?

Q. The original.

A. Mailed direct to the plant. No.

Q. I show you Board's Exhibit 4. Have you ever seen the letter of which that is a copy?

A. (Examining exhibit) Now, I guess I will have to state that I know I seen one letter. I guess this is the one I saw rather than that one.

Q. That was received by you at the plant?

Trial Examiner Stephenson: Referring now to Board's—

Mr. Mauritsen (Interrupting): 4.

(Testimony of Arthur O. Bodine.)

Trial Examiner Stephenson: 4.

The Witness: Well, I can't answer yes-or-no, because I don't recall receiving it. I recall this. That—this must be the one I saw. Two communications I saw, and I think this is the one.

Q. (By Mr. Mauritsen) You never received it directly at the plant? [494]

A. I don't recall that. I recall the first communication; received that definitely.

Q. Now, which exhibit do you recall Mr. Larson showing to you?

A. Well, I am inclined to think it was this one.

Trial Examiner Stephenson: Referring to Board's Exhibit 4.

The Witness: 4, the application for re-employment. To the best of my knowledge that is the one.

Q. (By Mr. Mauritsen) And the letter that now has the list of names attached to it?

A. Yes.

Q. Now, while the strike was in progress, did you make any attempt to get the men to come back to work? A. I did not.

Q. While the strike was in progress, you merely went to and from work as had been your custom before the strike, did you not? A. Yes.

Q. You made no attempt to get the men to come back to work. Did you instruct anyone to make an attempt to get the men to come back to work?

A. I did not. [495]

(Testimony of Arthur O. Bodine.)

Q. Now, Mr. Hazelton testified the other day about the 1st of May, 1937, you had a conversation with him. Do you recall that conversation?

A. I recall his testimony as being about the 1st of May, but I didn't have the conversation with him the 1st of May.

Q. When was the conversation?

A. The conversation was at least a month prior to that time.

Q. Probably about the 1st of April?

A. On or about the 1st of April.

Q. Do you recall what caused you to speak to Mr. Hazelton at that time? Was there anything that happened on or about that time that brought the matter to your mind?

A. Yes. I was down in the yard one day. It just occurred to me, probably had been thinking about it, and that was to the effect that there were union activities that had been—I had heard about in some of the other clay plants, and I said [496] that to Lester, I said, "There probably will be some union organizers come out here some day." It was my supposition, if they were active in the other plants, they would be out there.

Q. That is natural.

A. I said to Lester, I said, "If they do," I said, "You find out what they have to offer," I said, "And then you use your own judgment as to what to do."

(Testimony of Arthur O. Bodine.)

Q. And did you say anything respecting the company bonus at that time? A. No, sir.

Q. Didn't say a word about it?

A. No, sir.

Q. But you had talked with him about the union, had you not?

A. As I stated, yes. [497]

Q. (By Mr. Mauritsen) Mr. Bodine, some of these, a number of men have testified, a number of the men that were laid off, that they have received letters of recommendation from you. Did you give a number of these men letters of recommendation? A. Yes, sir.

Q. And you would not give a man a letter of recommendation unless his work had been satisfactory, would you?

A. I wouldn't do that. I wouldn't give him any letter unless he was worthy of it in my opinion.

Cross Examination

Q. (By Mr. Howlett) Referring to Exhibit B-2, you have read it? Did you gain the impression from that letter there would be a strike called on June 11? A. I did not.

Q. Did anyone tell you there would be a strike called on June 11? [498] A. No, sir.

Q. Now, you attended the meeting of June 1, 1937, correct?

A. Yes, sir, the union meeting.

Q. Yes. A. The organizers' meeting.

(Testimony of Arthur O. Bodine.)

Q. Did Mr. Larson or anybody else instruct you to go? A. No, sir.

Q. Did they ask you to go? A. No, sir.

Q. Did they know you were there at that time? At the time you were at the meeting, did anyone know you were there, Mr. Larson know you were there? A. No, sir.

Q. Did you go with anyone else?

A. I went with Mr. Anderson.

Q. What are the circumstances leading up to your going?

A. Why, I just made the remark to him that I was going to go down to the hall that night and asked him if he wanted to go along; if he did, I would stop and pick him up. He said yes, that he would like to go down. He lives right along my [499] way going into town, so I stopped.

Q. Did you know of any reason why you should not have been at that meeting?

A. Why I shouldn't have been?

Q. Yes. A. No, I do not.

Q. Did you make a list of any of the men that were there? A. I did not.

Q. Did you go there for the purpose of finding out who were there? A. No, sir.

Q. Did you have any different feeling toward the men after the meeting than you did before you went there? A. No, sir.

Q. Whom did you sit with when you were there?

A. Mr. Anderson.

Q. The man you took with you?

(Testimony of Arthur O. Bodine.)

A. Yes.

Q. Did he leave when you left?

A. Yes, sir.

Q. You left before the meeting was over?

A. I left as soon as the speaker was finished with his address, when he invited the attendance to come up and get what information they wanted. He put it in words something to this effect: "Any of you fellows want information, want to make [500] application," he says, "Come up."

Q. That is when you left?

A. That is when I left, when the fellows started to go up. That is when I left.

Q. Did you leave the hall?

A. I left the hall.

Q. Did you see anybody sign at that time?

A. I did not.

Q. If you had seen anybody sign, would it have made any difference to you as far as your opinion of the man or the organization he signed up with are concerned? A. Would not.

Q. Did you ever, at any time, tell any of these men they couldn't join the union?

A. No, sir.

Q. Did you ever discharge any man for being a member of the union?

A. No, sir.

Q. Well, did you ever know whether anybody was a member of the union? A. No, sir.

Q. Do you know now?

A. Only by the exhibit on the table there.

Q. Was that the first time you ever say the list?

(Testimony of Arthur O. Bodine.)

A. That is the first time. [501]

Q. That was in the court room some time during this proceeding?

A. It is the first time. [502]

Q. Mr. Bodine, I show you Board's Exhibit 2. You have testified that you received that on June 10 at seven-thirty o'clock in the morning, 1937, didn't you? A. Pardon me, but—

Q. (Interrupting) Didn't you testify that you received that on that date? A. Yes, sir.

Q. Whose names are attached to that?

A. Edward G. Hannum and Lawrence McNutt.

Q. You knew they were members of the union, didn't you?

A. After I received this.

Q. Who delivered the petition to you?

A. Mr. Lucas.

Q. Was there anybody with Mr. Lucas?

A. Louie Juarez and Mark Damron.

Q. Was Glen Stewart also on the committee?

A. I don't recall whether Glen Stewart was or not.

Q. At least you knew that those—

A. (Interrupting) Mr. Lucas came into my office with it and Mr. Damron and Juarez came to the entrance of the door, so I didn't notice.

Q. Then you knew they were members of the union, didn't you? [505]

A. Well, I never thought of it in that way. That probably would indicate they were members of the union. [506]

(Testimony of Arthur O. Bodine.)

Recross Examination [512]

Q. (By Mr. Gately) Well, these men that was laid off on June 2 or 3, when the lay-off came, their services were just terminated, their employment was terminated?

A. Temporarily, as far as—

Q. (Interrupting) You paid them off in full, gave them their Social Securities notices, and so forth?

A. Oh, yes.

Recross Examination

Q. (By Mr. Howlett) You had no way of knowing at that time, [514] or did you have any way of knowing at that time, how long these men would be away from work?

A. I had no way of knowing.

Q. So that you couldn't have told them to come back in three days, or five days, or 15 days?

A. No.

Q. Is that correct? A. I could not.

Q. What determined whether they should come back or not?

A. The question hinged on business conditions.

[515]

JOHN ELLIS MILLS.

a witness called for and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

(Testimony of John Ellis Mills.)

Trial Examiner Stephenson: State your full name, please.

The Witness: John Ellis Mills.

Direct Examination

Q. (By Mr. Mauritsen) Mr. Mills, are you employed by the [517] Los Angeles Brick & Clay Company? A. I am.

Q. How long have you been employed by the company?

A. Continuously since August 1, 1927—no, 1929.

Q. Were you subpoenaed to appear at this hearing, were you? A. I was.

Q. In what capacity are you now engaged with the respondent?

A. I have full charge of the bringing of the clay down to the plant, all stripping operations, and everything pertaining to the clay pits.

Q. How long have you held that position?

A. During the full length of my employment there.

Q. Started in in 1929?

A. Came on the job to take over that job.

Q. Would it be proper to designate your position as the pit foreman?

A. Pit foreman would be correct.

Q. Mr. Mills, did you attend the meeting of the union held on June 1, 1937, at the American Legion Hall in Elsinore? A. I did.

Q. Have you received an invitation to attend that meeting?

(Testimony of John Ellis Mills.)

A. Well, I never received any personal invitation, but my attention was drawn to it by noticing hundreds of handbills which were scattered around the plant. On noticing that the meeting was to be held there, I decided that, as Police Com- [518] missioner of the City of Elsinore, I was entitled to be there and should be there. [519]

A. Well, I could not state as to who were present or who were not present. The hall was pretty well crowded with men, that is, practically all of the available seats were taken and it was necessary for me to go up almost to the speaker's end of the room in order to find a vacant chair. The meeting was just about ready to get under way before I went in there.

Q. About how many people would you say were in attendance at that meeting?

A. Well, I made no attempt to count them, but judging in my mind as to the capacity of the room, I would say that there were probably 50 men or possibly 60, somewhere in that neighborhood. I may be wrong 10 or 15 men one way or the other. I am satisfied there were over 40 men there anyway.

Q. Did you see Mr. Bodine at that meeting?

A. Well, I can't say that I did see him. No, I couldn't swear that I saw Mr. Bodine.

Q. Did you see Mr. Gantz?

A. Yes, I saw Mr. Gantz.

Q. Did you see Mr. Baer?

(Testimony of John Ellis Mills.)

A. I saw Mr. Baer come into the meeting when it was just about over, just about at its conclusion. [520]

Q. You were there after the meeting—when the organizer called for the signing of application cards?

A. When he called for the signing of application cards, there were two men started to walk up and I immediately left the room and went outside and was approximately 300 feet away from the building until the meeting was entirely disbanded. In other words, I went up on to the main street. This building happens to be on the corner of Spring Street. Our main street is one block up. I went up to the corner. I believe I did walk up to the City Hall and then came back again, not to the meeting, but to the corner. [521]

Q. Mr. Mills, did you ever talk with men, or with any of the men, about joining the union?

A. Yes. The men on various occasions approached me and wanted to know what to do about it. I simply told them, "Well, boys, it is up to you. You know just as much about it as I do, and as near as I can see it is strictly up to you. The company has nothing to do with it. I certainly haven't got anything to do with it."

Q. Mr. Mills, since the calling off of the strike, have you engaged any men to work in the pit?

(Testimony of John Ellis Mills.)

A. I have.

Q. Have you engaged any new employees?

A. Yes.

Q. Employees who had not worked for the company before? A. Yes.

Q. At the time when you engaged these—no, withdraw that.

Approximately how many new employees have you hired?

A. Well, I have got one new truck driver, and oh—I don't know. I would say possibly four or five new men.

Q. But you couldn't be sure of it?

A. I couldn't be sure of it without checking the records.

Q. Were any of the men who went out on strike in your crew?

A. Yes. All—practically, I would say, though I am not sure as to one man, but all the rest of the Americans, or white boys, came to me and told me that they had signed up [527] with the union. I believe that there were very few of my Mexican laborers who signed up, but the American boys did sign up, according to what they told me, with the exception of one man. He told me he never did sign. [528]

Q. Did you see any of your men on the picket line? A. Yes, I did.

Q. Now, at the time when you put these entirely new men to work, were any of the men who had

(Testimony of John Ellis Mills.)

worked for you and gone out on strike, were they still not employed by the company?

A. Yes—no, they were still not employed by the company.

Q. In other words, at the time that you employed entirely new men there were still some experienced men who were not working?

A. They were not working for the company.
[529]

Q. They were not working for you?

A. They were not working for me.

Q. And you knew it?

A. I knew they weren't working for me, but I did not know but what they were working some place else.

Q. In fact, you didn't know anything about whether they were working or not, did you?

A. No, I did not. When I wanted a man, it usually happens, when I want a man I want him. If there is a man available there we hire him, that is, I hire them for the pit.

Q. In what relation do you stand to Mr. Bodine, in the plant?

A. Mr. Bodine is my superior.

Q. In regard to hiring and firing men, you have absolute discretion in the pit?

A. Absolutely so; never been any question on that point.

(Testimony of John Ellis Mills.)

Q. Has it been your experience, Mr. Mills, that all things being equal, men who have had experience are better qualified to do that particular type of work?

A. Why yes, all things being equal, certainly so. [530]

Q. (By Mr. Mauritsen) Perhaps I misunderstood you, Mr. Mills. You say experienced men could do the work better than inexperienced men, all things being equal.

A. That is what I said and I stand by that statement, all things being equal the experienced man is the better man.

Q. Well, what do you mean——

A. (Interrupting) In this particular case, in one case in particular, the experienced man was not equal to the man who had the job before him, nor is equal to the man filling the job at the present time.

Q. Is that in one instance?

A. One instance, and that happens to be the only instance of any man who is not working there who re-applied for work—I withdraw that.

He happens to be the only man who is not working there today through any fault of myself. In other words, all the rest of the men who had applied were reinstated.

Q. Now, may I—do I understand there has been a lay-off at the plant since the man went on strike, that is, on or about November 1?

(Testimony of John Ellis Mills.)

A. Sometime ago we retrenched, business was slack and we [531] did lay off a few men. I do not recall how many I laid off, probably three or four.

Q. That is enough.

Now, did I understand you to say that there is only one man who is not now working in the pits, who was working on June 1, as a result of action on your part?

The Witness: If I may answer it in this way, that there are men not working at the plant, or in the pits, who were working previous to the strike, but the reason they are not there today is because, at the time of the strike, or previous to the strike, when they were laid off, they left for parts unknown and as far as I know there is only one man who applied for reinstatement who was not taken back on the payroll. [532]

Cross Examination

Q. Now, since June 11, 1937, you stated that you had hired four or five new men in the pit?

A. That is correct.

Q. Do you have those records with you showing the men's names? A. The new men?

Q. Yes. A. No, I haven't. [533]

Q. What is the name of the man that came back, that applied for work and came back, that you didn't take?

A. James Grier, known as Jimmie Grier to us.

(Testimony of John Ellis Mills.)

Q. Why didn't you take him back?

A. He was inefficient.

Q. In what respect?

A. With the equipment. I moved him from one position to another until finally he was down to the water wagon, which we consider the weakest job of the bunch, and he couldn't fill [535] that bill.

Q. What other positions had he held?

A. When he came under my jurisdiction, or previous to coming under my jurisdiction, he was working down in the yard. I needed a truck driver one morning, and the yard foreman said, "Well, I have got a man out there. I wish you would give him a chance. He has been working down here and I would like you to take him up there, if you can use him."

"All right, anything to accommodate you, Harry." That was Harry Conger. So I took him up there and he said he was a truck driver. It didn't take me very long to find out he wasn't a truck driver. He had more trouble with the rig than any man that drove it before ever had. So, at the earliest opportunity I made a transfer.

I put him on a Plymouth locomotive that runs on the track. All that is necessary to do is to go back and forth on the track. Well, it was the same story. He run through switches, threw the cars off the tracks, and when the man who previously ran the locomotive came back and asked for a job again, I

(Testimony of John Ellis Mills.)

was only too glad to take Grier off and put him on the water wagon.

You understand the water wagon is what we use for wetting down our roads, and we used to haul water up into the places for the use of the men. Well, he was in the shop more than he was on the road, and always something was wrong, something [536] wrong here, something wrong there. He turned out to be such a pest around the shop that the shop foreman was continually sore about him being in there and I wasn't getting the service that I thought I should have from the outfit, so when the instructions came along that we lay men off, of course, naturally, even had he been the best man I had, we would have stopped the water wagon anyway, we always do, and he would have been one—if he had been one of the best men I had, he would have been transferred on one of the other rigs, but being incompetent, considered incompetent by myself, naturally I let him go.

Q. Were you instructed by anyone to let Mr. Grier go? A. No, I was not.

Q. Who determined that he should go?

A. I was the sole determinator of that factor.

Q. You stated about this time you stopped the water wagon. Will you explain that statement, please?

A. Well, it isn't absolutely essential that we wet the roads down. If we are not running the trucks

(Testimony of John Ellis Mills.)

up and down the road frequently, we get by without wetting them down. In other words, the roads do not cut up so much, and I would put a man on, run it for a day or two and then stop it temporarily—and then lay it up again for a period of time.

Q. Do you have anyone on that water wagon now?

A. No. That water wagon has been laid up for the past two [537] or three weeks. [538]

Q. If a man did unsatisfactory work for you, Mr. Mills, would you give that man a letter of recommendation?

A. I have never failed—yes, I would, and I have.

Q. That is enough. Your counsel can ask you any other questions.

You would give a man a letter of recommendation? A. Yes.

Q. (By Mr. Mauritsen) If a man's work wasn't satisfactory, you would still give him a letter of recommendation?

A. I would make no attempt whatsoever of depriving another man from earning a livelihood.

Q. Mr. Mills, I show you a letter. Is that your signature? A. (Examining document) Yes.

Q. Are you J. E. Mills?

A. That is my name. [539]

Mr. Mauritsen: I should like to introduce this into the record at this time.

(Testimony of John Ellis Mills.)

(The document referred to was passed to Mr. Howlett.)

Trial Examiner Stephenson: At this time counsel for the Board is offering in evidence a letter dated June 18, 1937, addressed to whom it may concern, and signed by J. E. Mills, Mine Superintendent. The same will be received in evidence and marked as Board's Exhibit 8.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 8.)

BOARD'S EXHIBIT No. 8

Elsinor, Calif.

June 18th, 1937

To whom it may concern:

The Bearer J. D. Grier has been employed by the Los Angeles Brick & Clay Products Co. the past three years as truck driver under my supervision and I have at all times found him a reliable man. Due to lack of business it has become necessary to cut our force.

Yours

J. E. MILLS

Mine Supt.

[Endorsed]: 1/10/38. Board's Exhibit No. 8.

Q. (By Mr. Mauritsen) Now, Mr. Mills, you gave this letter to Mr. Grier after he had been laid off at the plant, did you not?

A. Oh, yes.

(Testimony of John Ellis Mills.)

Q. And you addressed it to the world, as it were, to anyone? A. Yes. [540]

Recross Examination

Q. (By Mr. Howlett) About this letter now, Mr. Mills, what did you wish to say about it in explanation to the last question?

A. I believe that Mr. Grier tried to do the best he could. If I had not thought so he would have been discharged possibly a year before the time that he was, but I believe he was making an effort to do what he thought was right, and consequently it was with regret that I had to discharge him and I wanted to make it just as easy as possible for him to secure employment in some other line. I was satisfied that he would not attempt to get on that kind of equipment again, probably get into some other line. [541]

HARRY P. GANTZ

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Trial Examiner Stephenson: State your name, please.

The Witness: Harry P. Gantz. [545]

Trial Examiner Stephenson: How do you spell the last name?

The Witness: G-a-n-t-z.

(Testimony of Harry P. Gantz.)

Direct Examination

Q. (By Mr. Mauritsen) Mr. Gantz, you were subpoenaed to appear at this meeting, were you not? A. I was.

Q. Have you ever been employed by the respondent company? A. Yes, sir.

Q. Are you now employed by the respondent company? A. Yes, sir.

Q. In what capacity are you employed?

A. Yard foreman.

Q. How long have you held the position of yard foreman, Mr. Gantz?

A. January 1, 1937.

Q. And what position did you occupy prior to that time?

A. I first came to the plant in 1937, January 1.

Q. So that you have been with respondent—

A. (Interrupting) One year.

Q. Approximately one year?

Mr. Howlett: Speak up a little louder. It is difficult for us to hear on this side.

Q. (By Mr. Mauritsen) In what relation do you stand to Mr. Bodine? [546]

A. Well, Mr. Bodine is my superior. He is my boss.

Q. Do you have jurisdiction over all the plant that Mr. Mills does not have jurisdiction over?

A. No, sir.

Q. Are there any other foremen of respondent who occupy approximately the same position that you do in the yard? A. No, sir.

(Testimony of Harry P. Gantz.)

Trial Examiner Stephenson: I don't believe the witness understood what you mean. You mean are there other foremen in the plant besides himself and Mr. Mills? Is that what you meant?

Mr. Mauritsen: No. I mean, what I was trying to find out is, just what the situation is. In other words, Mr. Mills has charge of the pits and Mr. Gantz says he is in the yard and I want to know if he has jurisdiction over the whole yard or if there are other foremen under Mr. Bodine who occupy approximately the same position?

The Witness: I am the only man in the yard, supervising shipping, drawing and setting, placement of tiles and brick and sewer pipe.

Q. (By Mr. Mauritsen) Do you know what other activities are undertaken in the plant other than drawing of tile and these things you have referred to?

A. Well, setting of the tunnel kiln, that is classed as the yard, and construction in the yard.
[547]

Q. Who has charge of those two?

A. Mr. Baer.

Q. Now, are there any other functions carried on in the yard over which you do not have supervision?

A. Outside of what I just mentioned—not outside of what I just mentioned.

Q. Do you have the authority to hire and fire men?

(Testimony of Harry P. Gantz.)

A. I haven't authority to hire, but I have authority to fire.

Q. For flagrant violations of rules, or misconduct, you have the authority? A. Yes, sir.

Q. But you have no authority to hire men?

A. No, sir.

Q. Did you attend the union meeting held in the American Legion Hall in Elsinore on June 1, 1937? A. Yes, sir.

Q. Were you invited to attend that meeting?

A. Had no personal invitation, outside of the pamphlets they threw around.

Q. Have you ever had any experience with unions in your work, Mr. Gantz?

A. No, sir. [548]

Q. (By Mr. Mauritsen) Now, do you recall any of the men whom you saw at that meeting?

A. Yes. I seen Mr. Bodine, Mr. Anderson, Mr. Baer and I seen McNutt. [549]

Q. On the day following this union meeting on June 1, did you have a conversation with Mr. Ashworth regarding the union?

A. Partly, yes.

Q. Did this conversation take place at noon?

A. Yes, sir.

Q. And what did you say to Mr. Ashworth at that time regarding the union? [551]

A. All I said with regard to the union was—he asked me a question first and I answered him.

(Testimony of Harry P. Gantz.)

Q. What did he ask you?

A. He asked me what I thought about the union, and I said, all I said about the union, I said "if the union was anything like the talk the speaker made, I don't think very much of it."

Q. Then did you say anything further?

A. No, I don't remember anything else.

Q. That ended the conversation, as far as you recall?

A. Yes. There was another fellow there, Lyle was in the car.

Q. Did he stay in there during the entire course of the conversation?

A. Well, he was there, yes.

Q. All the time? A. Yes, sir.

Q. Did you ever talk with any of the other men with regard to the union?

A. Yes. I talked to McNutt once about it.

Q. Do you recall on what occasion you talked to McNutt about the union?

A. I was around the kiln, either near the kiln or around the kiln some place? [552]

Q. What did you say to McNutt at the time?

A. He asked me the same thing, and I answered the same way.

Q. The same way? A. Yes.

Q. That you didn't think much of the union if it corresponded——

A. (Interrupting) Judging from the way the speaker spoke, if the union was anything like that, I didn't think very much of it. [553]

(Testimony of Harry P. Gantz.)

Trial Examiner Stephenson: One question, Mr. Gantz.

At this meeting at the Legion Hall, did you notice any of the employees who worked under you at that meeting? [554]

The Witness: McNutt.

Trial Examiner Stephenson: Anyone else?

The Witness: No, sir.

Trial Examiner Stephenson: McNutt was the only employee?

The Witness: That I remember.

Trial Examiner Stephenson: That worked under your immediate supervision that you noticed at the meeting?

The Witness: Yes, sir.

Cross Examination

Q. (By Mr. Howlett) How have you been going to and from work? [555]

A. Driving a machine.

Q. During the past year or so?

A. Driving a machine.

Q. Whose machine do you drive?

A. Well, right at the present time I am driving mine, and Johnnie Mills is driving his.

Q. What did you do prior to the strike?

A. I drove mine and Billy Ashworth drove his.

Q. Did you ride in separate cars, usually?

A. No, sir. We rode in the same car.

(Testimony of Harry P. Gantz.)

Q. Who else rode in the same car with you?

A. Jack Osborn and Lyle.

Q. Who drove the car?

A. Whose ever turn it was to drive drove the car.

Q. You took turns in driving?

A. Took turns for a week, each week.

Q. Where did you pick each other up?

A. Right at the home, right at their homes, go right to their homes.

Q. That rotating around until it was time for the other man to use his car? A. Yes, sir.

Q. And how long did it take you to drive from the various homes to the plant? [556]

The Witness: I would say about—around 20 minutes, a little better.

Q. (By Mr. Howlett) Did you go home for lunch? A. No, sir.

Q. And that association continued for how long?

A. Still continues, as far as I am concerned.

Q. And during those trips did you discuss various matters of business and pleasure? A. Yes.

Q. So that when you met you discussed whatever happened to be on your mind, freely?

A. Yes, sir. [557]

Q. (By Mr. Howlett) Now, you testified that on June 2 you talked with Mr. Ashworth about the plant and he asked you a question?

A. Yes, sir.

(Testimony of Harry P. Gantz.)

Q. And what was that question he asked you?

A. He asked me what I thought about the union.

Q. Did you answer that question?

A. Yes, sir.

Q. Did anyone above you in superiority advise you what to say on any of those occasions when questions like that were asked? A. No, sir.

Q. Did Mr. Bodine ever instruct you to make any statement to these men concerning your opinion or the company's opinion concerning union activities? A. No, sir.

Q. Now, on—withdraw that.

After June 1, at some time, you testified that you had a conversation with Mr. McNutt?

A. Yes, sir.

Q. What was that conversation?

A. He asked me what I thought about the union.

Q. Did Mr. Bodine or Mr. Larson or anybody superior to you instruct you prior to that time as to what you should say if [558] there was a question as to union activities? A. No, sir.

Q. Has anyone since that time instructed you to say anything? A. No, sir.

Q. How long have you known Mr. McNutt?

A. Only since the time he was employed out at the plant.

Q. How frequently did you see him?

A. Every day.

Q. How many times a day?

(Testimony of Harry P. Gantz.)

A. Oh, it is hard to answer.

Q. A few times?

A. I was in the kilns off and on all day.

Q. You were in close association?

A. Yes, sir.

Q. Did you have instructions from anyone relative to your attending or not attending the meeting of June 1? A. No, sir.

Q. Where do you live?

A. You mean in distance from the hall?

Q. Yes.

A. About three blocks, three and a half blocks.

Q. At what time did you leave that meeting?

A. I left after Mr. Green got through addressing the boys.

Q. Did you make a statement during the course of that meet- [559] ing to anyone? A. No, sir.

Q. I am referring now to other than the man who sat next to you? A. No, sir.

Q. Did you, after that meeting, give any instructions to any of your men as to your ideas of joining or not joining a union? A. No, sir.

[560]

Cross Examination

Q. It has been testified here by Mr. McNutt that you advised him not to join the C. I. O. but to form a local union of their own. Do you remember that? A. I do not.

Q. Do you remember such a statement as that?

(Testimony of Harry P. Gantz.)

A. No, sir.

Q. What was the purpose of you attending this meeting? Did you intend to join the union?

A. Well, I don't know; if I could benefit myself in any way maybe I would have. [562]

ARTHUR O. BODINE

called as a witness by and on behalf of the Respondent, having been previously duly sworn, was examined and further testified as follows:

Direct Examination

Q. (By Mr. Howlett) Mr. Bodine, I will show you four sheets of yellow paper and ask you what that is.

A. These papers, with names attached, represent the men who were passed through the channels of our payroll account from June 1, 1937, to July 31, 1937.

Q. Who were those prepared by?

A. They were prepared by Mr. Anderson, our plant office man.

Q. Is he under your supervision?

A. Yes, sir.

Q. And these are taken from the permanent record of your company?

(Testimony of Arthur O. Bodine.)

A. Taken from the permanent records—that is, the permanent records are established from the same source as this.

Q. Do these papers purport to show the number of men, the names of the men, when first hired, when laid off, when they struck, when they were rehired, if rehired and also whether the names are shown on the short card or on the long card, Exhibit B-5, and also shows the month of June, 1937, and the month of July, 1937, and the dates of each month and shows, [572] by “X’s” placed on the record, that the men worked on the days indicated?

A. That is right.

Trial Examiner Stephenson: And the cards referred as Exhibit B-5, the “SC” refers to the short cards and “LC” to the large cards?

Mr. Stuart: The small cards, yes.

Mr. Howlett: At this time I wish to introduce this in evidence.

Trial Examiner Stephenson: As Respondent’s Exhibit 1. Any objection, Mr. Mauritsen or Mr. Gately?

Mr. Mauritsen: No.

Trial Examiner Stephenson: It will be received in evidence and marked as Respondent’s Exhibit 1.

(Thereupon the documents above referred to were received in evidence and marked as Respondent’s Exhibit No. 1.)

[illegible]

75 77 79 77 75 73 71 70 69 68 67 66 65 64 63 62 61 60 59 58 57 56 55 54 53 52 51 50 49 48 47 46 45 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

[illegible][illegible]

[illegible]

(Testimony of Arthur O. Bodine.)

Q. (By Mr. Howlett) Have photostatic copies been made of this exhibit, which you now refer to?

A. Yes, sir. I have seen them.

Q. And referring to the exhibit which I now hand you, is this a photostatic copy of those papers?

A. Yes, sir.

Mr. Howlett: Will you stipulate that may be the case, Mr. Mauritsen? [573]

Mr. Mauritsen: That that is a photostatic copy?

Mr. Howlett: Would you like to look at the original and check it?

Mr. Mauritsen: No.

Trial Examiner Stephenson: It will be stipulated that the document just testified to by the witness is a photostatic copy of the former document introduced in evidence as Respondent's Exhibit 1?

Mr. Mauritsen: And identified by the witness as to preparation.

Mr. Howlett: And that it may be used in place of the original document in evidence?

Mr. Mauritsen: So stipulated.

Trial Examiner Stephenson: Then the photostatic copy will be received in lieu of the original.

Mr. Howlett: We will excuse you, Mr. Bodine.

Trial Examiner Stephenson: Now, let the record show that the witness has been excused by the Respondent.

Now, Mr. Mauritsen, do you desire to call Mr. Bodine as the Board's witness?

(Testimony of Arthur O. Bodine.)

Mr. Mauritsen: Yes, I so desire. However, since it is almost noon, and as I have just received a rather voluminous document, perhaps a recess should be taken and then we can take up a little earlier. It will give us an opportunity to look at it. [574]

ARTHUR O. BODINE.

a witness recalled by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and further testified as follows:

Direct Examination

Q. (By Mr. Mauritsen) Now, Mr. Bodine, referring to Respondent's Exhibit 1, you state that that was prepared under the supervision—under your supervision?

A. Yes, in my office force.

Q. And you are satisfied as to its accuracy?

A. I didn't have time to check it, but I feel the men that made it out was competent to make it out.

Q. Now, you are satisfied that this exhibit contains the record of all men hired during the month of May, 1937? A. June and July.

Q. Well, does not the exhibit give the time when the men were first hired, so that those who were in the employ of the company on June 1, 1937, and

(Testimony of Arthur O. Bodine.)

had been hired in May, would appear on the records? They would, would they not? [576]

Mr. Stuart: Just a minute, Mr. Mauritsen. There are men who went to work in 1929, but the record does not then say that we had all those men who were there in 1929. You only asked for June and July, and that is all that the record is supposed to cover. I don't think there is but one there that says—maybe one in '26, I am not sure, but certainly this does not mean to cover from '26.

Mr. Mauritsen: This is the month just prior to June 1, and the men who were at work on June 1, it would show all of the men who had been hired in May, 1937 and were still employed?

Mr. Stuart: If you want to ask him if anybody was hired in May, that is a different thing, but this record is only June and July.

Trial Examiner Stephenson: Now, let me have the question and the answer.

(The record referred to was read by the reporter as set forth above.)

The Witness: That is right.

Q. (By Mr. Mauritsen) That is, if they were in the employ of the company on June 1, 1937, and had been hired in May, 1937, their names would appear here?

A. Would be on that list.

Q. And also the names of the men who were hired the latter part of April, 1937, their names would appear if they were [577] working on June 1, 1937, would they not?

(Testimony of Arthur O. Bodine.)

A. That is right.

Q. Are you satisfied that all—withdraw that.

Are you satisfied that the names of all men—I withdraw that.

Are you satisfied that the names of all new men who were hired for the first time during the month of June, 1937, appear on this list?

A. May I have the question again, please?

(The pending question was read by the reporter as set forth above.)

The Witness: I feel reasonably sure they are on that list.

Q. (By Mr. Mauritsen) Are you satisfied that the names of all new men who were hired for the first time in July, 1937, appear on this list?

A. I feel reasonably sure that they are.

Q. Were any new men who had not worked for the company before, been hired subsequent to July 31, 1937?

A. Subsequent to July 31, 1937, meaning at—yes, but I couldn't give you the dates.

Q. But in addition to the new men hired in June and July there were new men hired after July, were there not?

A. I feel sure that there were some.

Q. There were some. [578]

You have your records of employment with you?

A. Yes, sir.

Q. Can you refer to your records and tell me when Tobal Rios was hired?

(Testimony of Arthur O. Bodine.)

A. I couldn't tell from these records I have here.

Mr. Howlett: Off the record.

(Discussion outside the record.)

Trial Examiner Stephenson: Now, you have produced other records, have you not, Mr. Bodine? You now have produced other records from which you will be able to answer Mr. Mauritsen's question?

The Witness: Yes, sir, I will try to do that.

Trial Examiner Stephenson: All right.

Mr. Mauritsen: Will counsel stipulate that the following, Anthony Duarte, Henry Garcia—I will withdraw that and start over.

Will counsel stipulate that the following men were hired on the respective days indicated and were not in the employ of Respondent on June 1, 1937: Anthony Duarte, August 23, 1937; Henry Garcia, August 23, 1937; James Cook, August 9, 1937; Arnulso Chavez, September 10, 1937 and Domingo Garcia on August 26, 1937?

Mr. Howlett: So stipulated.

Q. (By Mr. Mauritsen) Now, Mr. Bodine, have you found Tobal Rios? [579] A. Yes, sir.

Q. On what date was he first hired by the company. A. Employed August 25, 1937.

Q. Can you find the record of Mr. John Luna?

A. Yes, sir.

Q. On what date was he first hired by the company? A. July 21, 1937.

Q. July 21.

(Testimony of Arthur O. Bodine.)

Can you find in your records the record of employment of Mr. Jenaro Lopez? A. Yes, sir.

Q. On what date was he first employed by the company? A. August 12, 1937.

Q. Can you find in your records of employment the record of Mr. Simon Luna?

A. Yes, sir.

Q. On what date was he first employed by the company? A. August 16, 1937.

Q. Now these names to which we have referred are the names of new men who are hired—who were hired by the company subsequent to July 31, 1937?

A. Yes, sir.

Q. And Respondent's Exhibit No. 1 will show the names of all new men who were hired subsequent to June 1, 1937 and prior to July 31, 1937?

[580]

Mr. Howlett: Just a minute. Read that again.

(The pending question was read by the Reporter as set forth above.)

Trial Examiner Stephenson: Prior to August 1.

Q. (By Mr. Mauritsen) Prior to August 1?

A. Yes, sir.

Q. I believe, Mr. Bodine, you have been present during the entire hearing, have you not?

A. Yes, sir.

Q. And you have heard the witnesses state that they applied to you for reinstatement, have you not? A. Yes, sir.

Q. Do you deny that they applied to you for reinstatement? A. No, sir.

(Testimony of Arthur O. Bodine.)

Q. In other words, you can recall that they did apply to you for reinstatement?

A. I think I recall all the witnesses who testified to that effect.

Q. Do you recall their having actually applied to you? A. Yes, sir.

Q. And you have heard these men testify that they had been employed by the company for a longer or shorter period of time, have you not?

A. Yes, sir.

Q. So that at the time when you were putting on these new [581] men you knew that older and experienced men were available, did you not?

A. Yes, sir.

Q. Mr. Bodine, why did you put on these new men rather than experienced men?

A. (Pause) I would first have to know who you refer to as experienced men.

Q. Well, you have heard and seen all the witnesses who have testified up to this time, have you not? A. Yes, sir.

Q. Well, why did you put on new men instead of these men? [582]

The Witness: Mr. Lucas is an experienced man. We have put no one in his place, filled his place at the plant. There is no new man in Mr. Lucas' position.

Q. (By Mr. Mauritsen) Then is that the reason why you didn't put any of the other experienced

(Testimony of Arthur O. Bodine.)

men back in place of—because their jobs were no longer in existence? Is that true?

Mr. Howlett: If counsel will point out the men he is speaking of, he will answer the question directly, I think.

The Witness: I was going to take up the next man that I would class as an experienced man.

Trial Examiner Stephenson: All right, go ahead.

The Witness: Could I just list those as I call them off so I can refer to them?

Mr. Howlett: Off the record.

(Discussion outside the record.)

Q. (By Mr. Mauritsen) Why was William G. Ashworth not re-employed instead of the new man?

[583]

The Witness: Mr. Ashworth's experience consisted of handling tile and sewer pipe, the way we list experienced men. We have that operation classed as a laborer.

Q. (By Mr. Mauritsen) Yes; what is the answer to the question?

A. The answer is that we have been rotating, doing that work with setting crews from different operations; crews from different operations to that, and we have not a new man, to my knowledge, working in that department, in that department of the operation.

Q. Why was not Mr. Ashworth re-employed instead of a new man?

(Testimony of Arthur O. Bodine.)

A. The new men were employed for other operations than what Mr. Ashworth was doing.

Q. You have heard the witnesses testify, have you not, that in general they started out as laborers, and were then [584] assigned to a more skilled job, have you not? A. Yes, sir.

Q. Is that true? A. Yes, sir.

Q. Would it not have been possible to put Mr. Ashworth back as a general laborer?

A. Mr. Ashworth, to be put back—if he had requested for general labor, we would have put him back.

Q. Did you ever offer to employ him as a laborer?

A. It was impossible for me to get around and call upon these men personally to offer them employment. A man seeking employment usually puts in his appearance and keeps in touch with us quite often, quite regularly.

Q. Where do you live, Mr. Bodine?

A. I live toward Elsinore.

Q. In the vicinity of Elsinore?

A. In the vicinity of Elsinore.

Q. Did you make any effort to get in touch with Mr. Ashworth?

A. No, sir. I never have made any effort to get in touch with anyone, devoting my time to it.

Q. Respondent's Exhibit 1 shows that men were being hired continuously during June and July of 1937, does it not? A. Yes, sir.

(Testimony of Arthur O. Bodine.)

Q. Did Mr. Ashworth ever apply to you for work during that [585] time?

A. I don't recall when he did.

Q. Do you know where Mr. Hannum lives in Elsinore?

A. I do not know his address.

Q. Do you have any record at the plant of the addresses of the men?

A. I have a record with me that will show.

Q. Oh, you have a record there?

A. Of their addresses as given.

Q. So it could have been a very simple matter for you to send a card to Mr. Ashworth, would it not?

A. When we find ourselves needing a man, usually we find that out probably the day that we have occasion to use him.

Q. But you have a record of the places of employment—or the places of residence of the men? I think you testified to that? A. Yes, sir.

Q. You knew where the president of the union lived, did you not?

A. I don't know, but I can look on the record and see.

Q. Do you know where the secretary of the union lived?

A. No, I positively do not know that. The secretary, oh, yes.

Q. You have a record of that?

A. The secretary I know. I know where he is.

(Testimony of Arthur O. Bodine.)

Q. You have a record of the place of residence of the man?

A. Yes, sir, I know where the secretary is.

Q. Now, why was Thomas A. Roddy not re-employed instead of a new man?

A. Thomas A. Roddy was not employed because of inefficiency, and I would say stupid, not quick to receive instructions, and so forth.

Q. Now, Mr. Bodine, I think you testified the other day that you would not give a letter of recommendation unless you were satisfied that the man deserved it, did you not?

A. Yes, sir, I believe I so testified.

Q. Did you give Mr. Roddy a letter of recommendation? A. I believe I did, yes, sir.

Q. Did I understand you to testify just a minute ago that Mr. Roddy's work was not satisfactory?

A. Well, I was getting him mixed up with another man.

Q. Oh, then, his work was satisfactory?

A. I had him confused with another man, because my position doesn't bring me so that I get directly acquainted with the new men, right off the reel.

Q. Well, now, let us get this clear about Mr. Roddy. Was his work satisfactory or not satisfactory?

A. As far as I know, his work was satisfactory.

Q. In other words——

A. (Interrupting) He was working for Mr. Baer, under Mr. [587] Baer's direction.

(Testimony of Arthur O. Bodine.)

Q. You were satisfied that his work was of such a nature that he deserved a letter of recommendation, did you not?

A. Yes, sir, I give him a letter of recommendation.

Q. Now, Mr. Bodine. I show you a letter. Is that your signature?

A. (Examining document) Yes, sir.

Mr. Mauritsen: I should like to offer this in evidence at this time, as Board's Exhibit No. 9.

Mr. Howlett: This is a recommendation given Mr. Grier. That is not the one you are talking about. Roddy, I thought, was the one you were testifying about.

Trial Examiner Stephenson: This is somebody else?

Mr. Mauritsen: Yes.

Trial Examiner Stephenson: Off the record.

(Discussion outside the record.)

Trial Examiner Stephenson: The Board offers this in evidence, a letter dated June 18, 1937, addressed to whom it may concern, and signed L. A. Brick & Clay Products Company, by A. O. Bodine, plant superintendent.

It will be received in evidence and marked as Board's Exhibit No. 9.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 9.) [588]

(Testimony of Arthur O. Bodine.)

BOARD'S EXHIBIT No. 9

Los Angeles Brick & Clay Products Co.

1078 Mission Road

Los Angeles

Alberhill, Calif.

June 18, 1937

To whom it may concern

James Grier has been in the employ of this company for three and one-half years and has always performed his duties to our satisfaction.

We are glad to recommend him for truck driving and any kind of general labor.

LOS ANGELES BRICK & CLAY
PRODUCTS CO.

By A. O. BODINE
A. O. BODINE,
Plant Sup't

[Endorsed]: 1/10/38. Board's Exhibit No. 9.

Q. (By Mr. Mauritsen) Now, Mr. Bodine, did you give James Grier a letter of recommendation? A. Yes, sir.

Q. Were you satisfied with Mr. Grier's work before you gave him that letter of recommendation?

A. As far as I knew, Mr. Grier—I was satisfied.

Q. You made an inquiry of Mr. Mills, did you not? A. I had made no inquiry.

(Testimony of Arthur O. Bodine.)

Q. You were satisfied in your own mind that he deserved a letter of recommendation?

A. I gave him a letter of recommendation.

Q. Now, Mr. Bodine, why was Arnold Moss not re-employed instead of a new man?

A. We hired a new man in place of him because of the nature of the job.

Q. Did you hire any general laborers—strike that. Did you hire any new men to do the work of a general laborer?

A. As I recall, for general labor, for dry pan duty and clay wheelers, speaking of the men that we hired in the plant, and not the men that Mr. Mills hired.

Q. Did Mr. Moss work for you or for Mr. Mills? A. He worked under Mr. Baer.

Q. So that none of these new men who were hired were hired as general laborers, is that correct? [589]

A. Some of them in the clay mining.

Q. And Mr. Moss was engaged as a general laborer while he was at the plant, was he not?

A. Yes, sir.

Q. Mr. Bodine, why was James Grier not employed instead of a new man?

A. My position in his case was, as I found out later, that he had been discharged by Mr. Mills, which I didn't know at the time I give him the letter of recommendation, and I probably would have given him the letter of recommendation even so, although we didn't—when I am speaking about

(Testimony of Arthur O. Bodine.)

“we,” I am speaking for the company—didn’t need his services, as Mr. Mills had discharged him, I would give him a letter of recommendation and help him out because he might have fit in very well on some new employment.

Q. Now, did I understand—did I misunderstand you when you said yesterday that you wouldn’t give a letter of recommendation unless you were satisfied that a man had done satisfactory work?

A. At the time I give the letter of recommendation, I had no knowledge of what he was doing wasn’t satisfactory. I didn’t discharge him and didn’t make any inquiry to it.

Q. Why was Gerald D. Wenker not re-employed instead of a new man, Mr. Bodine?

A. Gerald Wenker was employed transferring, and that [590] position has not—has yet not become a steady position. It has been very limited, the amount of that work since Mr. Wenker was laid off. It is limited to probably three full weeks, I would judge, of actual operation on that job that Mr. Wenker was employed on.

Q. Mr. Wenker started out as a general laborer, did he not, at the plant? A. Yes, sir.

Q. And you testified that you hired general laborers since the strike was called off, have you not? A. Yes, sir.

Q. Did you offer Mr. Wenker a job as a general laborer? A. No, sir.

Q. Did Mr. Wenker apply to you for reinstatement?

(Testimony of Arthur O. Bodine.)

A. Mr. Wenker applied at least once that I recall. I don't know how many times other than that.

Q. Why was Mr. Hazelton not employed instead of a new man, Mr. Bodine?

A. Mr. Hazelton, as I was told, had gotten another job, and Mr. Hazelton, having had a higher rate of pay, in the position he had, I just hesitated to ask him, because of the fact that him to have been stepped down, I believed, would probably be humiliating to him to a certain degree, and that was the reason.

Q. Now, Mr. Bodine, I show you Board's Exhibit No. 4. Will [591] you inspect the list and tell me whether Mr. Hazelton's name appears thereon.

A. (Examining exhibit) Yes, sir.

Q. Now, Mr. Bodine, why was Lawrence C. McNutt not re-employed instead of a new man?

A. The places where we put the new men was not a job for a man with the education, in my opinion, that Mr. McNutt has. I heard Mr. McNutt state one time that he had obtained a degree at U. S. C. and might be qualified for a better job than we had to offer.

Q. Did you make any attempt to find out from Mr. McNutt whether he would accept a new job?

A. No, sir.

Q. You recall that he applied for work after June 28, 1937, did you not?

A. Mr. McNutt applied for work; at the time I don't recall the date.

(Testimony of Arthur O. Bodine.)

Q. Did you ever tell Mr. McNutt that it would be better if he did not come on the company property?

A. No, sir, I don't recall ever making a statement like that.

Q. You don't recall that, but you are not sure that you made it or not, is that right?

A. I don't recall having made the statement.

Q. Mr. Bodine, why was Edward Hannum not re-employed instead of a new man? [592]

A. The job that Mr. Ed Hannum was employed on has as yet to this date not been filled due to lack of operations of that department. That department has been operated very, very little.

Q. Did Mr. Hannum ever work as a general laborer for you?

A. He worked under my supervision, of course, as superintendent, but in the yard under Mr. Gantz, or, I believe, under Mr. Harry Conger, I believe.

Q. Did you ever offer Mr. Hannum, that is, Mr. Edward Hannum, a job as a general laborer at any time when he applied? A. No, sir.

Q. Mr. Bodine, why was Henry Boontjer not employed instead of a new man?

A. Mr. Boontjer wasn't given a job for the simple reason that I didn't think he was qualified for anything that we had in the general laborer's line because of the nature of the work.

(Testimony of Arthur O. Bodine.)

Q. Did you ever give Mr. Boontjer a letter of recommendation?

A. I don't recall that I did. I may have. I could look at my records and see. I have a record that would show.

Q. Do you have your records here?

A. Yes, sir. I don't recall, but I wouldn't deny that I didn't.

Q. In other words, your recollection is hazy. You may have or you may not have?

A. I don't recall either way. [593]

Q. But you are certain that the reason he wasn't re-hired was because of his inefficiency?

A. No, sir.

Trial Examiner Stephenson: He didn't state that.

The Witness: No, sir.

Q. (By Mr. Mauritsen) I am not trying to mislead you. That is merely my understanding. I thought you said—or, because of the fact that you had nothing in the general labor line that he could fill.

A. I said due to the nature of the work that we would have to offer.

Q. Do you recall what Mr. Boontjer, what type of work he did for you while he was employed at the company?

A. I do not, except that he was classed as a general laborer.

(Testimony of Arthur O. Bodine.)

Q. But you hired new general laborers after June 28, 1937? A. Yes, sir.

Q. And I was incorrect when I stated that you did not hire him because of inefficiency?

A. I stated I didn't rehire him due to the nature of the work that we had to offer.

Q. Have you already testified about C. W. Lucas?

A. Yes, sir, he was the first man.

Q. And what was the reason why you did not hire Mr. Lucas instead of a new man? [594]

A. Didn't hire a new man in Mr. Lucas' place.

Q. Did you maintain a shop crew—I will withdraw that.

Do you now retain a shop crew?

A. Yes, sir.

Q. Did you maintain a shop crew from about July 1, 1937, to the present time?

A. Yes, sir.

Q. Did Mr. Lucas work in the shop prior to June 11, 1937? A. Yes, sir.

Q. Was he not the third man in order of seniority in that crew?

A. I can't answer that without looking at the records.

Q. I thought maybe you could recall it offhand. I believe he testified that he was.

How many men are there in the shop crew?

(Testimony of Arthur O. Bodine.)

A. I will have to count that up on my fingers. I will write it down, if I may. (Making notations) I believe I am correct in saying that we have five, actually four men in the machine shop.

Q. That is at the present time?

A. At the present time directly in the machine shop.

Q. How many men did you have in the machine shop on June 1, 1937?

A. I believe we had seven. I would like to add one man that is not in that shop crew, and that is Mr. Ed Baer who is a [595] graduate construction engineer who is working on construction, so that man is a new man and is not classed in the machine shop crew and is not working in the shop.

Trial Examiner Stephenson: But he is included among the four?

The Witness: No, he is the fifth man. He is on construction work.

Q. (By Mr. Mauritsen) Does Mr. John Hall now work in the shop crew?

A. Mr. John Hall, Mr. Hostettler, Mr. Travers, are in the carpenter shop.

Q. Well, then, Mr. Hall is not in the shop crew, is that what I understand you to say?

A. He is in the carpenter shop; the four machinists, the four mechanics in the machine shop, and Mr. Baer, a construction engineer.

(Testimony of Arthur O. Bodine.)

Q. Mr. Bodine, why was Sylvester Osborne not re-employed instead of a new man?

A. Mr. Sylvester Osborne was not employed because of the nature of the work we had to offer him.

Q. Well, I believe you said that once before, but I wish you would qualify it. What do you mean by it?

A. That work consisted of wheeling clay to the dry pans, and is a dirty, dusty job. The other jobs were in the clay.

Q. Would you classify him as a clay wheeler?
[596]

A. Classify him as a laborer.

Q. Well, do you classify your clay wheelers as laborers, or is that a different classification within the general labor classification?

A. That comes under the classification of labor, clay wheeler comes under the classification of laborer. Mr. Osborne at the time he was laid off, I believe, was working on the yard truck. There has been no man steadily employed on the yard truck.

Q. But you have hired clay wheelers since June 28, 1937, have you not? A. Yes, sir.

Q. Why was Frank German not employed instead of a new man?

A. We didn't have any job other than laborer for Frank German, and to the best of my knowledge, Frank German and Lawrence German went

(Testimony of Arthur O. Bodine.)

back to the Dakotas. That is what I have been told, the impression I have.

Q. Did Frank German apply for re-employment at any time?

A. He has applied to me for re-instatement at some time or other, which I don't recall the exact time. I believe it was after the strike.

Q. You did not re-employ him at that time?

A. No, sir.

Q. Will you examine Board's Exhibit No. 4 and tell me whether Frank German's name was attached thereto? [597]

A. (Examining exhibit) Yes, sir.

Q. Why was Art Hannum not re-employed instead of a new man?

Trial Examiner Stephenson: Didn't we cover him?

Mr. Mauritsen: That was Ed Hannum.

The Witness: The tunnel kiln, where he was working, was not re-started until, I believe it was the 7th day of August, and I am under the impression that Art Hannum has gone from that vicinity by August 7.

Q. Well, how do you know that?

A. I heard that. I haven't seen him.

Q. Were you intending to offer him a job as burner on the kiln when it re-started?

A. No, sir, I was not.

(Testimony of Arthur O. Bodine.)

Q. Why were you so interested in his whereabouts, then?

A. The man wasn't available.

Q. Do you know that?

A. I am under the assumption that he wasn't available.

Q. Merely an assumption, never made any effort to verify it, did you?

A. No, sir, but the fact that Mr. Hannum had been asleep on that tunnel kiln, and an investment that involved as much as that, and the damage that could be done by a man sleeping, that would have to be ruled on by Mr. Larson before I ever would be able to put that man back on that job again. [598]

Q. That answers it.

You gave Mr. Hannum a letter of recommendation, did you not?

A. I didn't know until after Mr. Hannum had gone that Mr. Larson told me then, after I had—oh, I don't know how long after—quite some time after Hannum had walked off the job that he had caught him asleep. I didn't know that prior to that time.

Q. Well, which was the reason that Mr. Hannum wasn't employed? Was it because you were under the assumption he wasn't available, or because he had been asleep on the kiln?

A. We put one old employee on that kiln. [599]

Q. Why was Gregorio Cordero not offered employment instead of a new man?

(Testimony of Arthur O. Bodine.)

A. Cordero is it?

Q. Cordero.

A. (Examining record) Gregorio Cordero was re-hired July 7, 1937.

Q. I believe he testified to that effect. What was the occasion of his, or do you recall when he was re-hired, the conversation that took place at that time between you and him?

A. I recall that his being reinstated was delayed a few days there over some question which involved him in some disturbances over in the company camp. The complaints that came to me through Cruze, deputy sheriff in charge up there who had the afternoon to twelve o'clock midnight shift, that people had complained about him going on, about a lot of loud talk and so forth, keeping those families awake at night. So he said, "No," that he hadn't done that, so that was all I recall he said. The next thing Cordero brought a letter stating that he had been employed by Mr. Enos, who had charge of the construction of the Alphabeta store, in Elsinore, the [601] fact that he recommended him for work, that he was through, or words to that effect, and that was when we put Cordero back to work.

Q. And his going out on strike had nothing to do with the furnishing of this letter that he had secured?

A. I didn't ask Mr. Cordero for the letter, or to present a letter at all. I told him I would just wait

(Testimony of Arthur O. Bodine.)

for a few days. He went and got the letter and brought it on his own authority. I didn't ask him to get the letter. He volunteered to furnish the letter and brought it to me. That had no bearing on whether he went back to work or not.

Q. What was all this purpose in telling us about this disturbance he had been causing? Why didn't he furnish a letter stating that he hadn't been causing the disturbance instead of that he had been working?

A. I don't know what his object was.

Q. Did you ever ascertain whether he had caused the disturbance or not?

A. I don't know to this day.

Q. But that was the reason you told him you couldn't rehire him because you had heard this report, is that right?

A. I just delayed my decision a couple of days.

Q. You just brought the report over and then, for no reason at all, just decided to re-hire him, is that right?

A. I decided the man was worthy of re-hiring.
[602]

Q. Now, on September 1, you had 154 men employed in the plant, did you not? A. 153.

Q. 153, which was 13 less than you had employed on June 1, 1937, was it not?

A. That is correct.

(Testimony of Arthur O. Bodine.)

Q. Now, in regard to a number of these witnesses, you have testified that no work was available that was suitable for them, have you not?

A. Yes, sir.

Q. Can you tell the Examiner what operations had not been resumed on September 1 that had been carried on on June 1, 1937?

A. May I have that question?

(The pending question was read by the reporter as [604] set forth above.)

The Witness: September 1, what operations—I would have to refer to the records in order to state that.

Q. (By Mr. Mauritsen) I mean in a general way, Mr. Bodine, you are superintendent of the plant, and you have an idea of what is happening throughout the plant, do you not?

A. I think the operations are practically the same.

Q. In general, by September 1, you had resumed practically the same operations that you had carried on on June 1, had you not?

A. Well, not in as large a tonnage. That is the point I am getting at.

Q. But, with minor exceptions, you were doing practically the same thing on September 1 that you were doing on June 1, is that right?

A. I would say that is correct. [605]

Also we should like to have the record held open for the testimony of Charles Bland who has been injured and is at this time unable to testify because of a brain concussion, but we hope to get his testimony at some later date, and we will make an effort to make it reasonably soon.

Trial Examiner Stephenson: Your request will be granted.

Now, you made the statement, Mr. Mauritsen, that the Board's case was in so far as the Complaints are concerned, [608] except those reservations that you made, but you also reserve the question of jurisdiction?

Mr. Mauritsen: The jurisdiction, surely.

Trial Examiner Stephenson: But insofar as the alleged unfair labor practices are concerned, your case is finished. Very well. [609]

GEORGE RANDY

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Trial Examiner Stephenson: State your name, please.

The Witness: George Randy.

Direct Examination

Q. (By Mr. Howlett) Mr. Randy, you have been employed by the L. A. Brick Company?

(Testimony of George Randy.)

A. Not now.

Q. Have you ever been employed?

A. Yes, sir.

Q. And how long ago were you employed?

The Witness: First employed in 1924, the latter part of September, 1934. [610]

Q. (By Mr. Howlett) How long did you work there?

A. I worked ever since to October 2 of this year, 1937.

Q. And when did you leave?

A. About the—last laid off on October 2.

Q. Of this year? A. This year.

Q. Do you know Mr. Cordero?

A. Yes, sir.

Q. Did you ever work with him?

A. Yes.

Q. When was the last time that you did work with him?

A. The last time I worked with him was about the latter part of September.

Q. You refer to Gregorio Cordero, do you?

A. Yes.

Q. During the time that you worked with him, did you have any conversation with him relative to your work?

A. Yes; he had been telling me I was working too fast, that they didn't like to work that way, like to sit down once in a while. Finally I com-

(Testimony of George Randy.)

plained and said, "If you want to work the way you want to, you have your side of the kiln and I have my side. I work my side and you work on your side." Finally they get mad and we got in a fist fight several times and they called me names in Spanish. I understand quite a bit of Spanish and they threatened me, going to beat me up, they said. [611]

Q. You refer to "they." Who do you mean by "they"?

A. Both of them, brothers. They claim they are brothers, him, Gregorio and his brother.

Q. About when did that happen?

A. Well, we had been working pretty near all month of September together.

Q. Of 1937? A. 1937, yes, sir.

Q. You stated that you reported that. Who did you report that to?

A. To Harry Gantz. [612]

HARRY GANTZ.

a witness called by and on behalf of the Respondent, having been previously duly sworn, was examined and further testified as follows:

Direct Examination

Q. (By Mr. Howlett) Mr. Gantz, did you hear the testimony of Mr. Randy?

A. Yes, sir.

(Testimony of Harry Gantz.)

Q. Do you have any recollection of ever having discussed that with him? A. Yes, sir.

Q. When did that occur?

A. Well, it happened—well, it happened shortly before, just a day or so before I laid Cordero off.

Q. What did he tell you at that time?

A. George came up and told me that Cordero was always arguing with the fellows in the gang, and he said that he couldn't work with him. He said he was always squawking about how fast he worked, and also told him that—he said, "You fellows are not working contract. What do you want to kill yourselves for?" He said, "Slow up," and George also said that Cordero said if I fired him, he would get me up in town some time and give me a good trimming.

Q. Anybody else present at that conversation?

A. No, sir. I might also change that a little bit. He said, [613] when I get up in town and get a few drinks in me, he says, "I will give him a good trimming." That is the exact words he repeated.

Q. Did you have a conversation with Mr. McNutt on June 2 relative to his joining or not joining the C. I. O.? A. Yes.

Q. Where did that take place?

A. Well, around the kiln; it might have been in the kiln or out of the kiln.

Q. Who was present besides you two?

(Testimony of Harry Gantz.)

A. I don't remember anybody else being present. Of course, the other men work around the kiln; they might have been in or out of the kiln. I didn't pay any attention to them.

Q. Mr. McNutt testified that you told him at that time that they were damn fools to join the C.I.O. Is that true? A. No, sir.

Q. Did you make such a statement?

A. No, sir.

Q. When did you discharge Mr. McNutt?

A. Yes, sir.

Q. When was that?

A. The 2nd, when the day they was laid off. I just don't remember the date, whether it was the 2nd or 3rd.

Q. Of what month and year?

A. During the strike, right about the strike.

[614]

Q. What month or year?

A. 1937, and in June.

Q. The time you discharged him, did you tell him why you discharged him?

A. Well, I told him that lack of business, to start with.

Q. Was there lack of business at that time?

A. Yes, sir. [615]

Q. Referring to Mr. McNutt again, did you at any time give him any reason why he was laid off other than what you have stated?

(Testimony of Harry Gantz.)

A. Well, I never give him any definite reason, but I had McNutt on other jobs besides drawing, such as loading brick, and we didn't have any drawing to do, see, and he was just too [616] light for the job. He couldn't wheel brick; just wasn't built for it and couldn't load pipe. He was too light to hoist the pipe up on top of the truck.

Q. Were those parts of his duties?

A. Well, it would be as long as he worked for me.

Q. Well, did he do that work?

A. Well, he tried to do it.

Q. Then what arrangement did you make, if any?

A. Well, he just wheeled about half the brick that the other men wheeled, and I just let him get by with it until he could get back into the drawing game. It was harder work.

Q. How long did he work there for you?

A. He worked for me all the time he was with the company. [617]

A. Well, we never talked about the work so much. One time he mentioned about the union.

Q. Who started that conversation?

A. Bill did, Mr. Ashworth.

Q. What did he say?

A. Well, he asked me what I thought about the union, and I made the remark and asked him, and said, "Well, if the union is anything like the

(Testimony of Harry Gantz.)

speaker, why, I don't think I would want to have anything to do with it."

Q. As I understand, you testified previously that you worked under Mr. Bodine? A. Yes.

Q. Have you received instructions at any time to discharge any of the men that were let off?

A. Have I received any instructions?

Q. Yes. Did you have any instructions to lay men off?

A. No, I laid the men off, myself.

Q. You did that of your own——

A. (Interrupting) Yes, sir.

Q. And why did you lay them off.

A. Well, I got rid of the fellows, the weak sisters, due to lack of business. I just picked those certain men. [620]

Cross Examination

Q. Now, did I understand you to testify that no instructions [621] were given you as to lay-offs, that you did that merely on your own initiative?

A. Well, we had conferences, of course. The orders to lay off come through Mr. Bodine, but I selected my own men what to lay off.

Q. And you said that you laid off the weak sisters, I believe? A. Yes, sir.

Q. Do you know Bill Ashworth?

A. Yes, sir.

(Testimony of Harry Gantz.)

Q. Did you know him for some time?

A. Since January 1, 1937.

Q. Have you been friendly with him during that time? A. Yes.

Q. Did you ride to work with him?

A. Yes.

Q. All the time? A. Yes.

Q. Was he one of the weak sisters to which you referred? A. Yes, sir.

Cross Examination

Q. (By Mr. Gately) I would like to have a definition of what a "weak sister" is.

A. Well, just a man that maybe can just do a certain kind [622] of work, and we couldn't take and put him any place in the yard and do general brick yard work, such as wheeling clay to a pan. I would say in loading sewer pipe, handling 15 and 18-inch sewer pipe, a man of his type could never do it. He was just too light. You would just injure a man if you tried to put him on that kind of work.

[623]

ARTHUR O. BODINE,

a witness recalled by and on behalf of the Respondent, having been previously duly sworn, was examined and further testified as follows:

(Testimony of Arthur O. Bodine.)

Direct Examination

Q. (By Mr. Howlett) Mr. Bodine, I believe you testified at a previous time that there had been some conversation between you and Mr. Larson relative to the necessity of laying off men. Is that correct?

A. That is correct.

Q. When did that conversation take place?

A. Well, it had been taking place for a couple or three weeks prior to the time we put it into effect.

Q. And that went into effect on the 2nd or 3rd day of May, I believe you previously testified?

A. 2nd of June.

Q. June.

Prior to the time that the men were laid off, what notice did you give to them?

A. Prior to the time they were laid off? We posted a notice on the clock.

Q. I will show you a letter here and ask you what it is.

A. (Examining document) That is a notice that I had posted on the clock. [624]

Q. Is that an original or a copy?

A. That is a copy of the original.

(The document referred to was passed to Mr. Mauritsen.)

Q. (By Mr. Howlett) Do you know what has happened to the original notice?

(Testimony of Arthur O. Bodine.)

A. The original notice was posted on the clock.

Q. Do you know what has happened to that original notice? A. It has been destroyed.

Q. Is this a carbon copy of it?

A. A carbon copy.

Q. Made at the same time?

A. Made at the same time.

Mr. Howlett: I offer that as Respondent's Exhibit 2.

Trial Examiner Stephenson: Any objection, gentlemen?

Mr. Mauritsen: No objection.

Trial Examiner Stephenson: It will be received in evidence and marked as Respondent's Exhibit 2.

(Thereupon the document above referred to was received in evidence and marked as Respondent's Exhibit No. 2.)

RESPONDENT'S EXHIBIT NO. 2

Alberhill, Calif.

June 2, 1937.

N-O-T-I-C-E

Due to the sharp decline of business the past thirty days and the lack of orders on hand, it has become necessary for this company to reduce its personnel to a place where it will be commensurate to the amount of business we are doing.

(Testimony of Arthur O. Bodine.)

Any man affected by this reduction will be considered for re-employment at such time as business warrants increasing the personnel.

LOS ANGELES BRICK &
CLAY PRODUCTS CO.

[Endorsed]: 1/10/38. Respondent's Exhibit No. 2.

Q. (By Mr. Howlett) And, after you had the conversation that you have testified to with Mr. Larson, or a series of conversations, what was done?

A. You mean after we had decided to definitely—that we were going to cut the personnel? [625]

Q. Yes.

A. Well, I took it up with Mr. Baer and Mr. Gantz as to who they would suggest that we would lay off, with the point in mind that we wanted to keep the greatest efficiency in our organization in so doing.

Q. Did you determine at any time the number of men to be laid off?

A. I did not determine the number of men.

Q. Well, how many men were laid off, approximately? A. I believe——

Mr. Mauritsen (Interrupting): At what period of time?

Mr. Howlett: June 2nd and 3rd, 7th and 8th.

The Witness: I believe it was 43 men, or 66 men. I don't recall now which.

Q. (By Mr. Howlett) How many men did you keep?

A. We kept—oh, I think around 120 men. I would say roughly around 120 men that we had left.

Q. What was the reason at that time, if any, for laying off that number of men?

A. Well, it was a decline in business.

Q. How were the stocks at that time on hand?

A. Our stocks were well up. [626]

Q. You know Mr. Hazelton, do you not?

A. Yes, sir.

Q. What was his position with the company?

A. His position was pipe sorter. [627]

Q. What does that mean?

A. That means grading the pipe as to their quality.

Q. When is that pipe graded, after it is made?

A. It is taken, upon being hauled to the yard from the kiln, at the time it is piled in stock.

Q. Did you ever have any complaints on the grading of the pipe on orders filled during the month of——

A. (Interrupting) Yes, sir.

Q. (Continuing) During the past year, within the year of 1937?

A. Yes, sir, I have had complaints. We get complaints right along.

Q. Well, what were they?

A. Cracked pipe, chipped pipe and so forth.

Q. Do you have any specific occasions that you recall?

(Testimony of Arthur O. Bodine.)

A. Well, I know our largest complaints and damages were noticed on the Kruly job at Laguna Beach.

Q. When was that job?

A. Oh, that was done during, I would say, probably March, somewheres around there, in '36.

Q. What was the nature of that complaint?

A. Broken pipe; chipped, cracked pipe.

Q. Did you have any other complaints during the year 1937, during the time Mr. Hazelton was testing pipe?

A. Yes. We had complaints on the San Jacinto job. [628]

Q. Do you recall the date that Mr. Hazelton left his employment? A. I don't recall.

Q. Having been laid off, do you wish to refer to this exhibit, Respondent's Exhibit 1?

The Witness: June 3, according to this document.

Q. (By Mr. Howlett) Since that time have you had any claim for cracked pipe that you recall?

A. There has been a very noticed reduction in the amounts of the claims. [629]

Q. Do you know Mr. Damron?

A. Yes. [630]

Q. Did you have a conversation with him on July 17 or 18 in connection with—at the time there was a discussion as to the matter of the unions?

A. No, sir, not that I know of.

Q. Mr. Ashworth testified that you told him that if any of the men became active in the union that

(Testimony of Arthur O. Bodine.)

they would not be permitted to work for the company. Do you recall having made such a statement?

A. No.

Q. Did you make such a statement?

A. No, sir.

Q. At the time you received the notice referred to as Board's Exhibit 2, who gave you that notice?

A. Mr. Lucas.

Q. Did you have any conversation with him at that time?

A. None other than he said that he had to have a reply.

Q. Did he tell you at that time that a strike would be called?

A. Nothing said about the strike being called.

Q. Was there any conversation of any kind relative to the strike being called? A. No.

Q. Did you have any conversation with any of your men prior to the time in which any one of them told you a strike would be called? [631]

A. No, sir.

Q. On June 11, 1937? A. No, sir. [632]

Q. (By Mr. Howlett) Now, Mr. Bodine, Mr. Osborne, Sylvester Osborne, testified that you said: "We boys be careful what we sign after that."

Then you further said, "You boys be careful what kind of paper you sign after this. That is what he told me when I first asked him for the job."

Did you tell him that? A. No, sir.

(Testimony of Arthur O. Bodine.)

Q. Mr. Lester C. Hazelton stated that on the 1st day of May, 1937, that you came around to him and called him off to one side [636] and told him that he thought maybe the union would come in there—speaking of you—and if it did, there wouldn't be no chance for the bonus for Christmas like there was last year.

Did you make that statement?

A. Nothing said about a bonus, no. I had no knowledge of any bonus.

Q. He further testified that you stated there would be no chance if the union came in for a bonus and for me—referring to him—to kind of spread it around the yard among the boys. Did you make that statement to him? A. No.

Q. He further testified that you stated to him in case the unions come in here there wouldn't be no chance for a bonus this coming year like there was last year. Did you state that?

A. No, sir.

Q. Did you say anything like any of those statements I have just made? A. No, sir.

Q. Did you tell him to spread the news around and tell the boys? A. No, sir.

Q. Mr. Hazelton further testified that you told him as follows: "I guess you have heard about the union? That there [637] was a lot of union talk around Los Angeles and some of the companies up there had signed for it, and he said maybe it would

(Testimony of Arthur O. Bodine.)

come down that way, and if it did, he told me to use my own judgment about signing up for it.”

A. At the time I—the union activities were entering the clay industry, I did mention to Lester Hazelton that probably, without a doubt, or probably—I don’t recall which—that the unions would be coming up to visit us, and if they did, for him to just find out what they had to offer him and use his own judgment about what he did.

Q. You heard the testimony of Gregorio Cordero, did you not?

A. I heard the testimony. I don’t recall just——

Q. (Interrupting) He testified as follows:

“Q. Then when did you apply the next time after the first of July?

“A. He told me to come about five or six days; and one day Mr. Bodine pulled me and one or two boys aside, and he told me he was afraid he would have to put off the work because they had some reports that I was making a lot of trouble in the case of the union; that I was making a lot of trouble with the boys there, and that was the reason he didn’t want to put me to work again; that there was nothing the matter with my work, but that was the reason he didn’t want to put me to work.” [638]

Did you have any conversation about that time?

A. I told him to come back in a couple of days.

Q. Did you make the statement I just read that he testified to?

(Testimony of Arthur O. Bodine.)

A. No. I told him that due to the—due to it to come back in a couple of days; that I had heard about this disturbance.

Q. Mr. William D. Ashworth testified that on June 2—withdraw that—was asked the question:

“Q. Had you ever discussed with any of these foremen at the plant about the union?

“A. On June 2, that was the next day after the first organizational meeting in the Legion Hall at Elsinore—” withdraw that.

He further testified as follows, referring to you, as making the following statement:

“I think it would be favorable for you boys to forget the L. A. Brick Company.”

Mr. Mauritsen: I think that question is uncertain and should be clarified. By whom was that?

Mr. Howlett: I will read the rest of it.

Mr. Mauritsen: Who made the statement?

Mr. Howlett: I am still talking about Hazelton.

Mr. Mauritsen: I object to it.

Mr. Howlett (Interrupting): This is Ashworth. [639]

Mr. Mauritsen: It seemed to me that you were talking about Ashworth.

Mr. Howlett: This is Ashworth. Do you have an objection to it?

Mr. Mauritsen: I object to it on the ground it is indefinite and unclear.

Mr. McLaren: He stated it was Ashworth.

(Testimony of Arthur O. Bodine.)

Trial Examiner Stephenson: Objection is overruled. Read the question.

(The pending question was read by the reporter as set forth above.)

The Witness: I don't recall making any such statement as that.

Q. (By Mr. Howlett) Mr. Lucas testified his connection with the petition that was presented, it was as follows, referring to what you said:

"He simply said they wouldn't take any action on the petition, that it didn't have any backing, and they couldn't do anything about it; that they wouldn't have anything to do with it; that we didn't have anything to back us up in our complaint on it—in our demands, and they would ignore it."

Did you make that statement to him?

A. No, sir.

Q. Did you make any statement similar to that?

A. Mr. Lucas told me that he had to have an answer to that [640] petition. After I had gotten Mr. Larson's say on that, I told Mr. Lucas about four-fifteen in the afternoon that I had taken the matter up with Mr. Larson; that he had said he couldn't do anything about it until he had consulted with the directors, or called a directors' meeting—I don't know just how that was—anyway, he said he couldn't do anything about it until that time. I said nothing further. [641]

(Testimony of Arthur O. Bodine.)

Redirect Examination

Q. (By Mr. Howlett) Mr. Bodine, can you tell the Trial Examiner about the products that you manufacture here, how many there are?

A. We manufacture sewer pipe, roofing tile, hollow tile, [650] face brick, fire brick, floor tile, acid brick, flue lining, drain tile, and that, I believe, covers it. [651]

GUSTAF LARSON

a witness recalled by and on behalf of the National Labor Relations Board, being previously duly sworn, was further examined and testified as follows:

Direct Examination [669]

Q. Mr. Larson, have you ever given any instructions concerning Union activities to your foremen or your men? A. Never have.

Q. Have you ever said anything to any of them about the Union, to the men? A. Never.

Q. It has been testified here that there are a number of men that were laid off and a number of men that left the work, struck on June 11, 1937.

Referring to both groups, are you willing to take those men back to work? A. We are.

Q. Under what conditions?

A. Under the condition that they are good workers, qualified for the work they are asked to do.

(Testimony of Gustaf Larson.)

Q. Do I understand you to say that you will take them back [678] whether you have the work or not?

A. Providing we have got work for them. [679]

Cross Examination

Q. I think you testified that after the strike this kiln was not opened or not started again until August, did you not? A. Yes.

Q. Was that in the forepart or the latter part of August?

A. The first part of August. [684]

Q. Now, Mr. Larson, you stated that you were willing to take these men who joined the Union back, did you not? A. Yes, sir.

Q. That is, you are willing at this time to take them back? A. I am.

Q. (By Mr. Mauritsen) Were you willing to take these men back in June?

A. Always have been willing.

Q. Were you willing to take them back in July?

A. Always.

Q. Were you willing to take them back in August? A. Always.

Q. Mr. Larson, why were new men employed rather than the Union men during all this time?

A. Well, I will explain. There might be exceptions, one [687] or two. When we needed men, suppose we needed men, we wanted to keep the ma-

(Testimony of Gustaf Larson.)

chinery running and when orders came in we may have been needing ten or fifteen men to take care of eight or ten men that were sick or maybe we get a small manufacturing order to make quick; we may take some men and we haven't got time to mail postal cards or to run over the country to help the men to come back. If the men are so anxious to come back, they ought to come to the plant and look for work, not sit around in the kitchen, because we are not going after them.

Q. Now, Mr. Larson, I believe that you testified that you found Mr. Art Hannum asleep on the kiln some time before the strike was called, is that correct? A. Yes, sir.

Q. Did you discuss this replacement or discuss his discharge with Mr. Bodine?

A. No, I never did.

Q. You never did?

A. No, I discussed it with Jack Baer.

Q. Did you discuss it with Mr. Baer before or after the strike?

A. The following Monday morning after he was asleep; I caught him asleep Sunday at 4:00 o'clock in the afternoon. The following Monday I was up there between 9:00 and 10:00 and I told Mr. Baer, and we were just about to close down the [688] tunnel kiln, in about fifteen to eighteen days more we would have to close it, and I didn't want to change, break in a burner or take another apprentice for

(Testimony of Gustaf Larson.)

that length of time. That is the reason he wasn't fired right away.

Q. Did you discuss it with him before the strike—you discussed it with him before the strike, did you not?

A. No, I discussed it with Jack Baer.

Q. I mean with Jack Baer, before the strike.

A. The next Monday morning. This was the first of June, Decoration Day was the 30th, a Saturday, the 31st was when I caught him sleeping—Monday was the 1st of June and that is the day that I took it up with Jack Baer.

Q. Well then, you were at the plant on June 3rd, 1937? A. Yes.

Q. And you saw that these hand-bills had been distributed then, did you not?

A. I don't know whether I saw it or not; I got them distributed in my office, someone brought them in.

Q. But you saw the hand-bills announcing that a meeting was to be held that night?

A. I don't say whether I did—so far as the evening or day is concerned, but I had a hand-bill delivered in my office.

Q. Now, Mr. Larson, I show you Board's Exhibit 4. I believe that you testified as to its receipt the other day, [689] but I would like to establish the date, if possible, on which you received the orig-

(Testimony of Gustaf Larson.)

inal of which that letter is a copy. Do you recall on what date you received that letter?

A. Well, I received one letter, this was similar, the day or the day following the day after the meeting we had with Nylander. If the meeting was on Tuesday with Nylander, Thursday I received the letter.

Q. Well, I mean now—you received a letter similar to this?

A. Either that or similar, the letter I received from him.

Redirect Examination [690]

Q. (By Mr. Howlett) Mr. Larson, you have heard testimony given in this case about letters of recommendation? A. I have.

Q. Were those letters given as a matter of policy of your company or why were they given?

A. I have done that for the last forty years. Any man that works for me, even if I fire *me*, if he hasn't been a criminal, I thought I would help him out on work outside, and that has been my policy but if it is not the policy of the Government, if that is a crime, I will discontinue it and never do it again. [693]

JOHN BAER

called as a witness on behalf of the Respondent, being first duly sworn, was examined and testified as follows: [696]

(Testimony of John Baer.)

Trial Examiner Stephenson: State your name, please.

The Witness: John Baer.

Mr. Mauritsen: Mr. Examiner, at this time I believe that various witnesses have testified as to occurrences concerning Jack Baer. Can it be stipulated that this is the man who has been referred to as Jack Baer? He is the assistant superintendent, is he?

Mr. Howlett: Yes, that will be so stipulated; stipulate that that is Jack Baer, I don't know about what was said.

Mr. Mauritsen: I don't mean to stipulate as to what was said, I didn't intend to frame my stipulation that way.

Mr. Howlett: Yes, certainly, we stipulate that this is Jack Baer.

Q. (By Mr. Howlett) What is your occupation?

A. I am a ceramic engineer.

Q. Where are you employed?

A. At the Los Angeles Brick & Tile Company at Alberhill.

Q. How long have you been employed there?

A. About two years.

Q. Were you working at Alberhill plant on June 11th, 1937? A. Yes.

Q. You worked there several months previous thereto, continuously, did you? A. Yes.

(Testimony of John Baer.)

Q. Did you ever have any instructions from anyone of your [697] superiors in regard to union matters? A. No, I did not.

Q. Have you ever talked to any of the men about the Union or Union activities?

A. Well, have you ever? Will you qualify that?

Q. During the time now under discussion.

A. Well, yes, I have.

Q. Well, on what occasions?

A. Well, previous to the time of the strike—well, first, may I explain that part of my duties are the operation of the tunnel kiln and in this operation there are three burners, three shifts and on different occasions, the exact time I can't tell you, two of these burners came to me—that is, came singly and asked me what I thought about the Union.

Q. What were these men's names?

A. Art Hannum was one and Leland Fuller was the other.

Q. What did Art Hannum say to you?

A. Art Hannum asked me if I thought the Union was all right and I said I didn't know a thing about that organization but I explained to him that he should be sure, if he signed in that Union, that he understood completely what he was signing.

Q. Did you give him any instructions as to joining or not joining?

A. No, I did not. [698]

(Testimony of John Baer.)

Q. Did you give him any advice as to joining or not joining? A. No, I didn't do that.

Q. Did you say that he couldn't join?

A. No, sir.

Q. That is, work would be taken away from him if he did join? A. No, sir.

Q. When did you talk to Mr. Fuller—withdraw that—when did Mr. Fuller talk to you?

A. Well, the exact date is hard to determine. It happened during this particular period that the shifts were so arranged that Fuller and Hannum were the men that I saw in the day time.

Q. And what did Mr. Fuller ask you at that time?

A. He asked me what I thought of the Union.

Q. Did he ask you substantially the same question that Mr. Hannum had asked you?

A. Yes, sir, he did.

Mr. Howlett: I must object to counsel leading the witness.

Trial Examiner Stephenson: Yes, that was somewhat leading. We will allow that question and the answer to stand but try and avoid leading the witness.

Q. (By Mr. Howlett) Well, what did he say to you at that time? [699]

A. Well, he asked me what about joining the Union and whether the President, or I believe I was talking to Hannum about it; I said the same thing

(Testimony of John Baer.)

to him, to be sure when he signed that he knew all about it, what he was signing, and he told me in turn that he had already signed.

Q. He was working there at that time, was he?

A. Yes, he was.

Q. Is he working for the company at the present time? A. Yes, he is.

Q. What position does he hold?

A. The same position as he held at that time.

Q. Did you ever see—withdraw that—during the time of the strike did you see Mr. Fuller?

A. No, I don't remember that. I will qualify that. What do you mean "during the time"?

Q. During the strike, it was between July 11th, 1937, and June 27, 1937—no, I mean between June 11, 1937 and June 25, 1937?

A. No, I don't believe I saw him in that period, that is, not to speak to; I may have passed him on the road.

Q. Were there any picket lines around your establishment at that time? A. Yes, there was.

Q. Was he in that picket line?

A. I did not see him in the picket line. [700]

Q. Did he ever talk to you again about any Union matters? A. No, he has not.

Q. Does Luie Juarez work for you?

A. Yes, in the plant.

Q. Does he work under your supervision?

A. Yes, he does.

(Testimony of John Baer.)

Q. Did you ever talk to him about Union activities? A. No, I did not.

Q. Did you ever see him in the picket line?

A. Well, not to be certain, no, I don't say that I did.

Q. Do you know what office, if any, he holds with the Union?

A. No, I believe that he is the vice-president, though I wouldn't be sure, I am not qualified to answer that.

Cross Examination

Q. (By Mr. Mauritsen) Mr. Baer, did you attend the Union meeting held June 1st, 1937, in the American Legion Hall in Elsinor?

A. I attended—well, I can't—a part of the meeting I was there, yes.

Q. Did you arrive late, is that correct?

A. Late, that is what I did.

Q. You weren't there at the beginning of the meeting? [701]

A. No, I was not.

Q. Had you seen these hand-bills distributed throughout the plant? A. Yes, sir, I had.

Q. Did you see any invitation to attend that meeting?

A. Well, not particularly, no, not personally.

Q. But you saw the hand-bills that there was to be a meeting and were naturally curious, was that it?

(Testimony of John Baer.)

A. That's the idea, no one was restricted, so I attended.

Q. Did I understand you to testify on direct examination that you did not know a great deal about Unions?

A. I did not know a great deal about them—I didn't say anything of that nature.

Q. Do you know anything about the Unions?

A. No, not a great deal.

Q. So you wouldn't know whether you would be eligible for membership in a Union or not?

A. Will you state that question again, I don't understand.

Mr. Mauritsen: Read the question, please, Mr. Reporter.

(Question read.)

A. Well, in my present position I am not eligible for that type of Union, I know that.

Q. You know that? A. Yes.

Q. And you knew this at the time of the Union meeting of [702] June 1st, did you not? A. Yes.

Q. What, then, was your purpose in attending this meeting on June 1st?

A. The meeting was—as I understood it—an open meeting and so we attended to merely see what—who was speaking and what was going on and what the activity was.

Q. Now, when you refer to "we" whom do you have reference to by "we"?

A. Well, "we" I mean "I." I attended myself, I came alone late to that meeting.

(Testimony of John Baer.)

Q. Had you discussed—strike that—after finding the hand-bills, had you discussed the meeting with any of the other foremen in the plant?

A. No, not to my—that is, I don't recall it; I may have mentioned it; I don't recall any particular discussion about it.

Q. When you arrived late at this meeting did you see any of the other foremen there in attendance? A. Yes.

Q. Which of the other foremen did you see at that meeting?

A. Mr. Bodine was there; Mr. Mills, Mr. Gantz. That is all I recall; there may have been more but I don't remember.

Q. When did you leave the meeting?

A. Well, it wasn't completed, it was rather—well, I [703] don't know how much longer it did continue. I was there for perhaps three-quarters of an hour.

Q. Well, you say you arrived late. Did you leave early?

A. I left early, I believe, because everyone was in the hall, or practically everyone when I left.

Q. What were they doing in the hall when you left, just to fix the time?

A. This man, the organizer, or whatever he was, his position was very vague, had asked if any of the men wanted to join and had asked them to come up to this table to see some sort of a paper or to sign an application to join the Union and of course I

(Testimony of John Baer.)

was not interested so I left, just shortly—it was shortly after that that I left.

Q. At that point you had suddenly lost interest in the meeting, is that right?

A. Not suddenly; I had lost interest right from the start. It was a very dull meeting.

Q. Did anyone accompany you from the meeting?

A. Well—accompanied me? I came in my own car.

Q. Well, did anybody leave with you?

A. No, I left—at the time I left I left alone. Several men had gone before me, the superintendent was one of them, and I left, oh, I imagine three or four minutes after he did, five, I couldn't tell the exact time.

Q. Now, let's establish definitely when you did leave the [704] meeting. Mr. Bodine has testified that he left after two men had gone up to sign and you testified you left three or four minutes later. How many of the men had gone up to sign at the time when you left?

A. Well, to be very frank with you, we were in a group—I was with a group of the working men talking at the time about—well, just general conversation about this organizer and I had paid no attention to who had gone up or anything about that. I don't know how many had gone, one had gone, I was sure of that, but I don't know if any

(Testimony of John Baer.)

more or not. The meeting was rather broken up at that time, as I would say broken up, it wasn't orderly.

Q. Well, could you give us an estimate of how many had gone? A. No, I could not.

Q. But you were certain that you left within three or four minutes after Mr. Bodine left?

A. I know I left after him, yes.

Q. Did you see any of the other foremen leave before?

A. I'm not just sure, but I believe Mr. Mills left. They may have all left before I did—I wasn't paying particular attention to it.

Q. In other words you were—that is, so far as you know—you were the last foreman in attendance at the meeting?

A. As far as I know, I believe that is right.

[705]

Q. What situation or what condition did you find at the plant when you went to the plant on the morning of June 11, 1937?

A. Well, there were very few men, generally the men stand or wait in front of the office for detailed information as to where they are to go unless they have been assigned previously as to where they were going or what they were to do, there were very few men there so immediately upon coming to the plant I went around the tunnel kiln to the burner's desk and the burner stated to me that he was going to leave at 7:30.

(Testimony of John Baer.)

Q. And which burner was that?

A. Art Hannum.

Q. At that time did you check over the charts and records relative to the kiln?

A. Yes, that is the first thing that I did.

Q. Were those charts in—were those charts and records in order? A. They were.

Q. They were satisfactory to you?

A. They were satisfactory, yes.

Q. Was anything out of order with the kiln at the time when [706] Mr. Hannum left?

A. No, everything was operating very nicely.

Q. Did you thank Mr. Hannum for remaining at the kiln? A. I did that.

Q. And you had no complaints regarding the condition of the kiln at the time when he left?

A. With the exception that he was leaving but I had no complaint relative to the condition of the kiln; he left before he was through with his shift, you see he wasn't through at 7:30, he wasn't through until 10:00 o'clock.

Q. But you have testified that you have been with the company for two years? A. Yes.

Q. How long had you had charge of the tunnel kiln?

A. Well, from the time—we started the construction and I was directly in charge of all the construction and under the engineer for the Harrop people.

Q. So that on the basis of your experience you should have been qualified to take over the kiln?

(Testimony of John Baer.)

A. Yes, sir. [707]

Q. I mean, you passed through the picket lines—did you pass through the picket lines a number of times during the course of the strike?

A. Yes, I did.

Q. Did you see Mr. Hannum, that is, Edward Hannum on the picket line at any time?

A. Yes.

Q. Did you ever speak to him there?

A. I spoke to everyone—I didn't make a point of not speaking to them, I should say, to qualify that.

Q. Did you see Mr. Bernard? A. Yes.

Q. Did you see Mr. Lucas? A. Yes.

Q. Did you see Mr. Ashworth?

A. Yes. [708]

Q. Entirely laborers; how many of the men under your supervision did you see at the meeting of June 1st, approximately?

A. Oh, well, I didn't make any effort to count them; in fact, I didn't go up to the front of the meeting; there were five or six, maybe eight or ten, rows of chairs toward the front; I imagine about twenty of them.

Q. You saw about twenty of them?

A. I imagine there was about that many. [712]

Redirect Examination

Q. (By Mr. Howlett): Mr. Baer, you stated that you had gone through the picket line on a number of occasions during the time the strike was on?

(Testimony of John Baer.)

A. Yes.

Q. I believe you testified that you saw some of the men there and spoke to some of them.

A. Yes, I have.

Q. Did you employ, after the strike, any men that you saw in the picket line?

A. Yes, we did.

Q. Can you name a few of them?

A. Yes, I can. There was the breaker in the shop, Chamberlain; one of the shop truckers, Chon Villa, Pete Bernard Jr., Paul Ortega, Joe Acosta, Sam Dabich, Chris Anaya—if you had a list or some way, I could tell you much better.

Q. I can show you a list here.

Trial Examiner Stephenson: Let the record show the witness is referring to Respondent's Exhibit 1.

A. (By the Witness) Fierro was one, Frank—

Mr. Mauritsen: Isn't this indicated on the exhibit? [713]

Mr. Howlett: That is true but not as to the testimony he is about to give. He has testified that some of the men were later rehired and some of them he remembers.

A. (By the Witness) (Continuing): Frank Castillo, Jose Acosta—I gave him before—Peter Bernard—

Trial Examiner Stephenson: Didn't you give him before?

(Testimony of John Baer.)

A. That is senior, the elder, there are two of them. Jesus Rios, Paddy (H. G.) Chamberlain—I gave him before. C. F. Anaya, Pete Bernard Jr.—I gave him before—F. Maldonado, Simon Rios, Joe Acosta Jr., Paul Ortega, Chon Villa, Sam Dabich, Jose Arsiga, Pete Jiminez, Luie Juarez. Well, I believe that is all. I have gone through them hastily, but I have seen those men.

Recross Examination [714]

Q. Did I understand you to say that you knew that this Mr. Fuller was a member of the Union?

A. He told me he had signed a card; he told me that.

Q. Was that prior to the strike?

A. Prior to the strike. [718]

MARK C. DAMERON

called as a witness on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Howlett): State your name, please.

A. Mark Dameron.

Q. Mr. Dameron, where do you work?

A. L. A. Brick Company.

Q. How long have you been working there?

A. I believe I started working there in the latter part of March.

(Testimony of Mark C. Dameron.)

Q. Of what year? A. Of this year, '37.

Q. Were you working there on June 10, 1937, of this year?

A. Yes, I was working there until the picket line was around the place and when I seen the picket line I didn't go to work then.

Q. Didn't go through the picket line?

A. No, didn't go through the picket line.

Q. Did you join the Union referred to in these proceedings? [721]

A. Well, I signed an application card.

Q. Did you ever go in the picket line?

A. Yes.

Q. How many times?

A. Well—when I never had nothing else to do.

Q. When did you return to work at the L. A. Brick Company?

A. I couldn't say offhand but right around—oh, about a week after the Union kind of busted up.

Q. Did you authorize anyone to use your name as a complainant in this case? A. No.

Q. Do you recall that on or about the 17th day of July—withdraw that question—do you own an automobile? A. Yes, I have a car.

Q. Do you recall ever having any difficulty with the car on or about the 18th day of July, 1937?

A. I'm having difficulty all the time, yes.

Q. Well, did you have any particular difficulty about that time with gasoline?

Mr. Mauritsen: I object.

(Testimony of Mark C. Dameron.)

Trial Examiner Stephenson: Objection overruled.

A. (By the Witness): Well, I've run out of gasoline at one time there, yes, along about——

Q. (By Mr. Howlett) (Interrupting): When did that occur?

A. That has happened so many times.

Q. When did that occur—where did that occur?
[722]

A. Well, at one time I left my place and I never got over a railroad track there and I couldn't get up over the grade on account of the shortage of gasoline.

Q. And what did you do?

A. I started down the highway to get gasoline.

Q. Did you meet anyone on the highway?

A. I walked just a few feet or so and Bill Ashworth came by.

Q. Was he driving?

A. In his car, it is a Buick sedan, I believe.

Q. How many people were there in that car?

A. Well, Bill and another kid, I don't know him.

Q. Do you know Glenn Stewart? A. Yes.

Q. Was Glenn Stewart in that car? A. No.

Q. Mr. Ashworth testified as follows; as to the statements made by you, he said:

“That Dameron told——”

Just a minute—“That you told him on this occasion and that Glenn Stewart was with him, that you had—that the reason you had not attended the meet-

(Testimony of Mark C. Dameron.)

ings of the Union was because of the fact that when you returned to work that you had positive instructions that at any time you were caught attending or having anything to do with the Union you would lose your [723] job.”

Did you ever make a statement like that?

A. No.

Q. Did you ever make a statement similar to that?
A. No. [724]

L. C. McNUTT

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and further testified as follows:

Direct Examination

Q. (By Mr. Mauritsen): Mr. McNutt, you have the minutes of the union meetings with you at this time? [730]

A. I have part—most of them here up until June 15.

Q. Do you have the minutes of the meeting held June 15?
A. Yes, sir.

Q. Will you read to the Examiner the minutes—
Mr. Howlett: Before you read those, Mr. Examiner, I would like to object to them on the ground that no foundation has been laid as to when these minutes were prepared.

(Testimony of L. C. McNutt.)

Trial Examiner Stephenson: I think probably you should lay more of a foundation, Mr. Mauritsen.

Q. (By Mr. Mauritsen): Mr. McNutt, what office do you hold in the union?

A. Secretary and treasurer.

Q. Do you prepare the minutes of the meetings held by the union? A. Yes, I do.

Q. Have you prepared all minutes of the meetings held up to June 15, 1937? A. Yes.

Q. That is, to and including that meeting?

A. Yes.

Q. How do you prepare the minutes of the meetings?

A. I write them down as things occur in the meeting and type them off later.

Q. And you have the typewritten minutes of the meetings with you? [731] A. Yes.

Q. Will you please read to the Examiner those minutes?

Mr. Howlett: May we have this off the record for a moment?

Trial Examiner Stephenson: Yes, certainly.

(Discussion off the record.)

Q. (By Mr. Mauritsen): When were these minutes prepared?

A. Notes were taken at the meeting of June 15 and typed probably the following day, I don't know exactly, I kept my work as I came to it up as fast as I could.

(Testimony of L. C. McNutt.)

Q. It was your usual procedure to take the notes and then type them up at your earliest convenience?

A. Surely, yes.

Q. Now, will you read to the Examiner the entry for the meeting of June 15, 1937?

A. The meeting of June 15, 1937:

“Meeting of June 15, 1937.

“Meeting called to order by President Han-num.

“A report was given on the meeting with Mr. Larson, Dr. Nylander and our committee.

“Minutes of the meeting of June 11 were read and accepted.

“The following committee for seniority rating was appointed: Paul Ortega, Tony Guerra and E. Solis.

“The following committee for relief was appointed: [732] William Ashworth, Ray Macht and Glenn Stewart.

“The committee for town support was appointed with M. J. Eaglin.

“A second demand for bargaining was submitted and accepted by the membership.

“Signed: L. C. McNUTT,
Secretary and Treasurer.”

Q. At what time was this meeting held?

A. About 7:30 p. m., June 15.

Q. And when—do you recall approximately the time of the conference with Dr. Nylander?

(Testimony of L. C. McNutt.)

A. I believe it was 4:00 o'clock on that afternoon.

Q. Now, Mr. McNutt, I show you a copy of the Elsinore Leader Press. What is the date on that paper? A. Thursday, June 17, 1937.

Q. Now, will you read the first two paragraphs of this article?

Mr. Howlett: Are you finished with the question? I would like to see the paper. I may want to object to it.

(Passing document to counsel.)

Mr. Howlett: I will object to the reading into the record of the statement as shown in the paper, other than the facts that a meeting had been held that week.

Trial Examiner Stephenson: Is that the purpose of reading the article, Mr. Mauritsen, simply to fix the date? [733]

Mr. Mauritsen: Merely to fix the date.

Mr. Howlett: We do not object to having him read that portion of it, only that which indicates the meeting was held on that week and I am now referring to the paper of June 17.

Trial Examiner Stephenson: If the only purpose is to fix the date of the meeting I will overrule the objection.

Mr. Mauritsen: I desire at this time that the witness read the first two paragraphs because I think that they both pertain to that conference and will be read for the purpose of——

(Testimony of L. C. McNutt.)

Trial Examiner Stephenson (Interrupting): Let me see it. You may have the witness read those, the first two paragraphs, to fix the date.

Mr. Howlett: I would like to renew the objection on the ground that it is hearsay testimony.

Trial Examiner Kennedy: Objection overruled.

Q. (By Mr. Mauritsen): Now, Mr. McNutt, will you read the first two paragraphs of that article?

A. “ ‘I hope to be able to bring the C. I. O. group and the owners of the Los Angeles Brick Company plant at Alberhill together in a satisfactory agreement by the first part of next week,’ predicted Towne Nylander, 21st Regional Director of the National Labor Relations Board, whose Federal Agency has played an important part in solving labor troubles extensively throughout the nation. ‘A conference was held Tuesday of [734] this week between Mr. Gus Larson, of the Brick Company, and a committee of the Alberhill Workers, in my Los Angeles office, but no satisfactory agreement could be reached,’ explained Nylander. ‘We shall conduct conferences with the hope of clearing up this situation as rapidly as possible.’ ”

(Discussion off the record.) [735]

GLENN C. STEWART

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows: [741]

(Testimony of Glenn C. Stewart.)

Trial Examiner Stephenson: State your name?

The Witness: Glenn C. Stewart.

Trial Examiner Stephenson: How do you spell the last name?

The Witness: S-t-e-w-a-r-t.

Direct Examination

Q. (By Mr. Mauritsen): Mr. Stewart, have you ever worked for the respondent company?

A. L. A. Brick?

Q. Yes. A. Yes.

Q. When did you first start to work for the respondent?

A. I believe it was approximately December, around December 7, 1934.

Q. And what were your duties when you first started to work for the respondent?

A. I was kiln drawer at the time.

Q. And what rates did you receive for that work? A. 37½ cents per hour.

Q. What duties did you next perform for the respondent? A. Tractor driver.

Mr. Howlett: I didn't understand the answer, Mr. Reporter, will you read it please?

(The answer referred to was read by the reporter as above recorded.) [742]

(By Mr. Mauritsen): And what hourly wage did you receive for that work?

A. That was 37½ cents until a general raise of 2½ cents which came into effect and then I was receiving 40.

(Testimony of Glenn C. Stewart.)

Q. And what work were you doing when you last worked for the respondent?

A. I believe they describe that job as leverman on the steam press in the production of sewer pipe.

Q. And what wage did you receive while doing that work? A. 45 cents an hour.

Q. What wage were you last receiving—that is, did you receive 45 cents when you last worked for respondent?

A. I was receiving 52½ cents.

Q. Did you receive the general 2½ cent raise that was effective June 1, 1937? A. I did.

Q. Mr. Stewart, are you a member of the union?

A. I am.

Q. When did you first join the union, or when did you become a member?

A. I believe it was in June, around the 9th or 16th, somewhere about that.

Q. Were you present at the meeting at which the officers were elected? A. I was. [743]

Q. And you were there when Mr. Hannum and Mr. McNutt were elected as officers?

A. I was.

Q. Did you become a member of the union at that meeting? A. I did, yes.

Q. You signed a membership card? A. I did.

Q. Were you present at the meeting held June 9 when the demands of the union were considered by the union? A. Yes.

Q. And did you take part in the discussion?

A. I did.

(Testimony of Glenn C. Stewart.)

Q. In regard to yourself, what happened at that meeting?

A. I was appointed one of a committee to present the demands of our union to Arthur Bodine that following morning.

Q. Do you recall who the other members of that committee were?

A. Yes; C. W. Lucas and Luie Juarez, a Mexican.

Q. As a member of that committee did you present these demands to Mr. Bodine? A. I did.

Q. And what did Mr. Bodine say at that time?

A. He read them and studied them for awhile and said that he would present them to Mr. Gus Larson, the general manager, I judge; I guess it was, anyway. [744]

Q. Did you take part in the strike?

A. I did.

Q. Were you on the picket line? A. I was.

Q. Did you see the members of the—strike that—did you see the foremen going to and from the plant during the period of the strike? A. I did.

Q. Did you ever speak with any of them?

A. No.

Q. Did you ever say “Hello” or wave at them in any way? A. I didn’t myself.

Q. Now, Mr. Stewart, I show you Board’s Exhibit 3. What is the date on that exhibit?

A. June 16, 1937.

(Testimony of Glenn C. Stewart.)

Q. Were you present at the union meeting at which the drafting and sending of this letter was considered? A. Yes.

Q. Did you approve the sending of this letter by the union? A. I did.

Q. Mr. Stewart, I show you Board's Exhibit 4. Will you tell the Examiner whether your name appears on that list attached? A. It does.

Q. After the strike was called off, Mr. Stewart, did you apply for reinstatement? [745]

A. I did.

Q. What was the first occasion upon which you applied for reinstatement?

A. I don't quite get that.

Mr. Mauritsen: Read the question, Mr. Reporter.

(The question referred to was read by the reporter as above recorded.)

The Witness: The date?

Q. (By Mr. Mauritsen): Yes.

A. Well, I wouldn't know exactly the date; it was on the day the strike was called off. I and two others went in to ask for our jobs back.

Q. To whom did you apply?

A. Arthur Bodine.

Q. And what did he say to you at that time?

A. He waved his hands in this manner (indicating), told us that we got off on the wrong foot, then proceeded to tell of his family, supposedly you would think it was pertaining to some union, prob-

(Testimony of Glenn C. Stewart.)

ably he had gotten into earlier in life, or something to that effect.

Mr. Howlett: Just a minute, I can't understand that witness. Mr. Reporter, will you please read that last answer?

(The answer referred to was read by the reporter as above recorded.)

Q. (By Mr. Mauritsen): Well, he told you that you got off [746] on the wrong foot? A. Yes.

Q. In your opinion to what did he refer?

Mr. Howlett: Object to that as calling for the opinion of the witness.

Trial Examiner Stephenson: He may state what understanding he had.

The Witness: The union.

Q. (By Mr. Mauritsen): Did you make any subsequent request for reinstatement?

A. You mean reply?

Q. Yes. A. No.

Q. Did you ever ask for a letter of recommendation? A. I did.

Q. To whom did you apply?

A. Arthur Bodine.

Q. What did he say to you at that time?

A. He would not issue—he had orders not to issue any recommendations to strikers but to ones who were laid off he was authorized to give recommendations for reinstatement elsewhere.

Q. Did you stay out on strike on June 11?

A. I did.

(Testimony of Glenn C. Stewart.)

Q. Do you recall the approximate date of the application [747] for a letter of recommendation?

A. I can't recall exactly but I should judge it was two days after the strike was called off.

Q. Well, that would be then on or about the 27th of June, would it not?

A. I should judge so, yes. [748]

Cross Examination

Q. (By Mr. Howlett): Mr. Stewart, you state that you were employed in December of 1934?

A. Yes.

Q. That could have been on December 11?

A. Possibly, yes.

Q. In other words, it was around that date?

A. Around that, I don't know exactly.

Q. And your first work was a kiln drawer?

A. Right.

Q. That is in the nature of labor work, is it not?

A. Well, from what I understood it was skilled labor.

Q. Well, what does it consist of?

A. Drawing sewer pipe out of the kiln.

Q. You picked them up and drew them out?

A. Yes, and put them on a car.

Q. Put them on a car, that is what it consists of?

A. Careful handling.

Q. In other words, careful not to drop them, is that correct? A. Yes.

Q. So that it consists of lifting this pipe out of the [759] kilns and on to a car? A. Yes.

(Testimony of Glenn C. Stewart.)

Q. And your next job was a tractor driver?

A. Yes.

Q. How long did you work as a tractor driver?

A. About 8 months, I should judge.

Q. How long did you work as a kiln drawer?

A. A little better than a year, I believe.

Q. And the balance of the time you worked as a leverman on the steam press? A. Yes.

Q. Did you have any arguments with your fellow men while you were working on any of these jobs? A. None that I recall.

Q. You don't recall of any difficulties that you had with any of them? A. No.

Q. You would know if you did have them?

A. Yes.

Q. And you joined the union about when?

A. I thought on the 9th, but I believe that it was sooner than that according to the records.

Q. Well, if you wish to think the matter over and give us an opinion as to when you joined I will be glad to hear that.

A. I believe it was—definitely, I think it was on the [760] 5th.

Q. On the 5th? A. Yes.

Q. And that was at a meeting?

A. That was held at Elsinore.

Q. I mean, you joined at a meeting, during a meeting? A. Yes.

Q. And the meeting was held at Elsinore?

A. Yes, at Townsend Hall, I believe it was.

(Testimony of Glenn C. Stewart.)

Q. How many meetings did you attend?

A. Five—six.

Q. When was the first meeting you attended?

A. The day I joined, I believe, it was on the 5th.

Q. And you testified that you attended a meeting the 9th and took part in a discussion?

A. Right.

Q. What was the discussion at that time?

A. Just what do you mean?

Mr. Howlett: Mr. Reporter, will you please read the question?

(The question referred to was read by the reporter as above recorded.)

Mr. Mauritsen: Mr. Examiner, I believe the witness asked counsel what he meant by the question.

Mr. Howlett: He said he took part in some of the dis- [761] cussions and I wanted to know what the conversation was, between whom and what did you say?

Mr. Mauritsen: I object to it on the ground it is immaterial.

Trial Examiner Stephenson: Objection overruled.

What was the subject of the discussion, what did they talk about?

The Witness: At the time that I joined, that first meeting, as he says——

Mr. Howlett: Just a minute, so you won't be confused, I am speaking of the meeting of June 9.

(Testimony of Glenn C. Stewart.)

The Witness: Oh, we were discussing demands of the union. [762]

Q. Well, for your information this exhibit, now referring to Board's Exhibit 2, does not say that you will strike on June 11, but was that your intention to do that if the employer did not meet your demands? A. That was the intention, yes.

Q. Have you read that statement referred to as Board's Exhibit 2, the demand which you presented? A. Yes.

Q. Would you like to refresh your memory by looking at it again? A. Yes.

(Counsel hands witness document.)

Q. Did you help draft this document that I refer to? [764] A. By vote we did.

Q. By vote?

A. It was discussed and then by vote.

Q. But you had nothing to do with the drafting of it?

Trial Examiner Stephenson: He means the writing of it.

The Witness: No, at the time I didn't.

Q. (By Mr. Howlett): After reading this, does that express the opinion that you arrived at by the members at that time? A. Yes.

Q. Do you read it here that there is to be a strike? A. Yes.

Q. That is what you get from that document?

A. Yes.

Q. Do you find anything in there about that?

(Testimony of Glenn C. Stewart.)

A. I beg your pardon.

Q. Do you find anything in this document that there will be a strike unless the demands are met at that time?

A. It doesn't *there* that there will be a strike as an alternative.

Q. But you had in mind if they were not met by midnight of June 10, 1937, that a strike would be called the following day?

A. By unanimous vote it was, yes.

Q. And you delivered this to Mr. Bodine at what time on June 10? [765]

A. 7:15, I believe, in the morning, a. m.

Q. And where?

A. At the plant, at Alberhill.

Q. And what did Mr. Bodine tell you at that time?

A. He read it over carefully and took his time and said he would present it to Gus Larson when he arrived there at that specified time; but he couldn't do a thing about it. He said, "It reads all right."

Q. And you had no reply from that by midnight of June 10? A. We did not.

Q. And you went out on strike the following day? A. Yes. [766]

Q. When did you first apply for reinstatement?

Trial Examiner Stephenson: Do you understand the question? Perhaps, Mr. Reporter, you had better read it to him.

(Testimony of Glenn C. Stewart.)

(The question referred to was read by the reporter as above recorded.)

The Witness: In the month of June.

Q. (By Mr. Howlett): That was at the time the strike was called off? A. The following day.

Q. To whom did you apply?

A. Arthur Bodine.

Q. Who was present at the time you made that application?

A. Bob Neblett, the timekeeper.

Trial Examiner Stephenson: Frank whom?

The Witness: Bob Neblett; and Jack Anderson, Arthur [767] Bodine and Sam Dabich and Roy Osborne and myself.

Q. (By Mr. Howlett): And that took place where with reference to the Alberhill Plant?

A. In the office of the Alberhill Plant.

Q. And on direct examination you testified that Mr. Bodine made a statement to you. I would like to have you repeat that statement as nearly as possible in the words that he used.

A. Well, when we approached him for reinstatement, he waved his hands in this manner (indicating) meaning, "No," I presume, and proceeded to tell us that we got off on the wrong foot, pertaining, I should judge, to our union.

Q. He didn't refer to the union but you assumed that? A. Not at the time.

Q. Well, go ahead and tell us what else he said, if anything.

(Testimony of Glenn C. Stewart.)

A. He proceeded to tell us of his family and I presumed then——

Q. (Interrupting): Can you tell it in the words that he used, that is what I am trying to get at?

A. That is the nearest I can give you on words, the exact words he was saying. He was telling about his family as coming first against anything that comes up like that, meaning, I guess, to unions and shut-outs and so on, and finally said that there would be no chance. [768]

Q. Is that all the conversation that took place?

A. For Sam Dabich and I, yes, we went right out shortly after that.

Q. And that conversation was directed to you and who else?

A. Roy Osborne and Sam Dabich. [769]

Q. Did Mr. Damron ever tell you any other reason of not attending a meeting? A. No.

Q. Did you have a conversation with Mr. Damron on the road near Alberhill? A. Not me.

Q. Did you ever have a conversation near Elsinore when you were riding in a car with Mr. Ashworth?

A. I had a conversation with him, but——

Q. With whom?

A. Nothing much, William Ashworth——

Q. Well, was Mr. Damron there?

A. He was.

Q. And when was that?

(Testimony of Glenn C. Stewart.)

A. I don't know whether it was—it might have been that same night, I don't know, we was pushing him to a service station as far as I can recall.

Q. What conversation did you have at that time?

A. I didn't pay much attention. [774]

Q. Who was in that car at that time?

A. Ashworth, William Ashworth, myself, and his boy and Mark Damron.

Q. Do you know where they picked them up?

A. I don't know exactly.

Q. Was there any conversation about the L. A. Brick Company at that time you were together in that car? A. Between me and Bill Ashworth?

Q. That you overheard Damron make.

A. I can't recall it, I may not have been paying any attention to it at the time.

Q. But so far as you know, you can't remember any statements made by other parties while you were in that car. What part of the car did you sit in?

A. In the back.

Q. Where did Damron sit? A. In the front.

Q. And were you conversing about other subjects?

A. No, I was—myself, I was just listening mostly.

Q. But you didn't hear anything?

A. Well, I guess I did but I didn't pay much attention.

(Testimony of Glenn C. Stewart.)

Q. I don't mean to confuse you but I mean you didn't hear anything about the subject that I am talking about?

A. Not that I can recall. [775]

Mr. Mauritsen: Mr. Examiner, at this time, I should like to introduce as part of Board's Exhibit No. 1, the order appointing the Trial Examiner in this case. I believe that a place has been reserved either as "1" or some similar designation.

Trial Examiner Stephenson: Any objection, gentlemen?

Mr. Howlett: No objection. [788]

Trial Examiner Stephenson: If not, it will be received and marked as part of Exhibit 1, Board's Exhibit 1.

(Thereupon the document above referred to was received in evidence and marked as part of Board's Exhibit No. 1.) [789]

Trial Examiner Stephenson: Respondent offers the following stipulation:

Be it stipulated that all testimony and evidence introduced on behalf of Respondent upon the issue of jurisdiction as joined in the complaint and answer filed herein marked respectively Board's Exhibit 1c and 1m, be deemed and considered for all purposes as having been introduced by Respondent in support of its special Appearance and Motion to

Dismiss for lack of jurisdiction heretofore filed herein, marked Board's Exhibit 1 (1), to the same extent and with the same force and effect as if such evidence and testimony had been separately and regularly offered and introduced on behalf of Respondent company in support of such Motion to Dismiss; and that all testimony and evidence introduced on behalf of the Board upon the issue of jurisdiction as joined in said complaint and answer be deemed and considered for all purposes as having been introduced in contravention of said Special Appearance and Motion to Dismiss for lack of jurisdiction, to the same extent and with the same force and effect as if such testimony and evidence had been separately and regularly offered and introduced on behalf of the Board in contravention of said Motion to Dismiss, and

Be it further stipulated that said Motion to Dismiss for [794] lack of jurisdiction may be submitted for decision upon the proofs so adduced as hereinbefore in this stipulation referred to.

Is that stipulated by the Board?

Mr. Walsh: That is agreeable to the Board.

Trial Examiner Stephenson: Respondent offers as Exhibit No. 5 a statement showing the kinds and quantities and value of sales for 1936-1937.

Any objection on behalf of the Board?

Mr. Walsh: No objection.

Trial Examiner Stephenson: The same will be received as Respondent's Exhibit No. 5.

(The document above referred to was received in evidence and marked as Respondent's Exhibit No. 5.)

RESPONDENT'S EXHIBIT NO. 5

KINDS, QUANTITIES & VALUE OF SALES—1936, 1937

(Note: 1936 sales complete, 1937 sales Jan. to Nov. Incl.)

Product	1936		1937	
	Tons	Amount	Tons	Amount
Common Brick	381.86	1,558.18	662.81	4,429.94
Fire Brick	3,567.03	57,096.73	3,382.40	61,127.55
Fire Clay & Grog.....	188.56	2,657.40	177.81	2,602.95
Face Brick	2,164.33	33,773.73	2,224.92	37,212.00
Old Gold & Grey.....	122.45	1,634.23	46.98	781.28
Sewer Pipe	7,466.73	181,679.66	7,178.60	174,143.75
Flue Lining	1,044.29	43,254.59	947.54	38,150.94
Roof Tile	6,870.31	112,010.89	4,052.21	85,699.86
Hollow Tile	2,023.85	21,348.93	2,085.44	22,763.71
Quarry Tile	353.98	7,520.52	275.23	7,071.70
Padre Tile	6.02	201.90	11.31	357.00
Drain Tile	462.70	7,210.74	294.49	4,568.08
	24,552.11T	\$469,947.50	21,339.74T	\$438,908.76
Material Purchased within State of Cali- fornia—for Resale		25,965.21		24,763.04
Sales Tax		5,466.91		5,185.84
Total Gross Sales.....		\$501,379.62		\$468,857.64

[Endorsed]: 1-10-38. Respondent's Exhibit No. 5.

Trial Examiner Stephenson: Respondent now offers as Exhibit No. 6 a statement of value of sales of all products [795] delivered by the company to *designations* outside the State of California in 1936.

Any objection, gentlemen?

Mr. Walsh: No objection.

Trial Examiner Stephenson: The same will be received and marked as Respondent's Exhibit No. 6.

(The document above referred to was received in evidence and marked as Respondent's Exhibit No. 6.)

RESPONDENT'S EXHIBIT NO. 6

VALUE OF SALES OF ALL PRODUCTS DELIVERED BY COMPANY TO DESTINATIONS OUTSIDE STATE OF CALIFORNIA IN 1936.

Alexander & Baldwin, Ltd.

January	152.10
August	727.98
September	979.04

1,859.12

Bowdish & Bollinger

May	1,331.16
June	1,364.00
July	905.20
August	954.80

4,555.16

Grand Canyon Lime & Cement Co.

May	705.74
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705.74

Harry Haver

January	86.76
March	451.72
April	821.50

1,359.98

Honolulu Iron Works Co.

January	2,465.23
February	858.91
June	406.29
September	424.52
October	4,129.39

8,284.34

Republic of Mexico		
July	5,995.92	
	<hr/>	
		5,995.92
Mutual Coal & Lumber Co.		
July	1,925.40	
September	667.95	
November	892.65	
	<hr/>	
		3,486.00
Superior Lumber Co.		
July	680.90	
	<hr/>	
		680.90
		<hr/>
		\$26,927.16

[Endorsed]: 1-10-38. Respondent's Exhibit No. 6.

RESPONDENT'S EXHIBIT NO. 7

VALUE OF SALES OF ALL PRODUCTS DELIVERED
BY COMPANY TO DESTINATIONS OUTSIDE STATE
OF CALIFORNIA IN 1937—JANUARY TO NOVEM-
BER INCLU.

Alexander & Baldwin, Ltd.		
February	9.25	
March	1,535.82	
August	282.75	
November	1,023.80	
	<hr/>	
		2,851.62
Boulder City Builders Supply		
August	504.00	
	<hr/>	
		504.00
Theo. H. Davis & Co.		
March	498.19	
July	115.90	
September	542.35	
	<hr/>	
		1,156.44

Grand Canyon Lime Co.

March	819.96
August	1,038.71

1,858.67

Harry Haver

August	1,343.49
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1,343.49

Hayward Lumber Co.

November	9.10
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9.10

Honolulu Iron Works Co.

February	1,563.61
March	13,156.85
April	1,438.07
May	1,926.85
June	3,342.15
July	1,146.80
August	239.84
September	86.50
October	70.01

22,970.68

Northern Arizona Society

July	713.05
October	6.69

719.74

Woitishek Lumber Co.

January	736.22
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736.22

\$32,149.96

[Endorsed]: 1-10-38. Respondent's Exhibit No. 7.

Mr. Walsh: I would like to offer as Board's Exhibit No. 11, to be treated in the same manner as you did the others. Mr. Howlett wants to object to that.

Trial Examiner Stephenson: The Board offers as its Exhibit No. 11 a statement of products sold and delivered in this State in the year 1936. Intention of the [796] purchaser to ship out of State indicated, but actual destination unknown.

Any objection, gentlemen?

Mr. Howlett: Yes. We wish to object upon the ground the same is incompetent, irrelevant, and immaterial, and does not tend to prove or disprove that the goods were carried in interstate commerce.

Trial Examiner Stephenson: The objection is overruled. The same will be received and marked as Board's Exhibit No. 11.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 11.)

BOARD'S EXHIBIT NO. 11

PRODUCTS SOLD AND DELIVERED IN THIS STATE
YEAR 1936—INTENTION OF PURCHASER TO SHIP
OUT OF STATE INDICATED, BUT ACTUAL DESTI-
NATION UNKNOWN.

Alexander & Baldwin, Ltd.

January	275.76
February	1,277.10
March	252.00
April	464.40
June	639.00
August	99.60

3,007.86

T. A. Allen Construction Co.

March	51.47
April	139.77

 191.24

Baker Thomas Lime & Cement

January	103.60
February	102.03
March	23.10
May	195.32
June	137.04
July	7.32
September	248.55
October	1,005.69
December	450.14

 2,272.79

Frank Beam Lumber Co.

January	41.50
April	7.64
July	48.94
November	172.71

 270.79

Bowdish & Bollinger..... 57.70

 57.70

Douglas Hardware Co.

March	17.38
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 17.38

Caliente Rapid Transit

October	41.66
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 41.66

Walter Dubree

January	281.88
February	597.58
March	110.20
April	189.77

May	318.15
June	214.72
July	411.03
August	344.62
September	263.01
October	550.33
November	670.57
December	227.44

4,179.30

Evans Construction Co.

December	799.78
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799.78

Head Lumber Co.

April	190.45
October	202.08

392.53

Honolulu Iron Works Company

January	198.22
February	834.37
March	55.44
April	42.75
May	98.68
June	92.71
July	1,007.91
August	1,115.63
September	369.97
October	504.00

4,319.68

Howe Bros.

April	137.58
May	66.50

204.08

Marquis Smelting & Mining Co.

February	185.00
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185.00

Wm. P. Neil

April	70.17
May	93.60

163.77

Robert Nicolai

January	369.90
February	45.00
March	381.00
April	312.66
June	238.55
July	42.00
October	323.96
November	14.06

1,727.13

O. K. Plumbing & Supply Co.

October	51.18
December	18.00

69.18

O'Malley Lumber Co.

January	30.10
February	20.71
March	103.43
April	52.94
May	16.32
June	31.20
July	40.41
August	35.36
September	174.99

505.46

Sigfried Olsen Shipping Co.

May	3,124.85
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3,124.85

Phoenix Roofing & Supply Co.

January	577.18
March	1,308.68
April	159.60
May	959.03
June	818.80
July	773.34
August	787.02
September	825.80
November	949.12
December	580.01

7,738.58

Prescott Lumber Co.

June	78.75
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78.75

A. Steinfeld Co.

January	142.74
March	110.94
April	224.76
June	81.47
July	84.20
August	141.36
September	12.00
October	398.88
December	30.11

1,226.46

United States Government

January	129.33
March	115.44

244.77

Woitishek Lumber Co.

March	24.30
September	7.37
October	137.48

169.15

Yuma Lumber Co.

August	11.60
September	28.70
October	187.40
November	252.22
December	19.52

 499.44

 \$31,486.63

[Endorsed]: 1-10-38. Board's Exhibit No. 11.

Mr. Walsh: Just one question: Mr. Howlett, your objection does not go to the correctness of the amounts set forth in the exhibit?

Mr. Howlett: No, it does not.

Trial Examiner Stephenson: You stipulate that the amounts set forth in the statement are correct?

Mr. Howlett: I do.

Mr. Walsh: Board's Exhibit No. 12 will be the same subject for the year 1937.

Trial Examiner Stephenson: The Board offers a statement of products that the Respondent sold and delivered in this State in the year 1937, January to November, inclusive. [797] Intention of purchaser to ship out of State indicated, but actual destination unknown.

Mr. Howlett: The same objection, and the same admission as to the correctness of the figures as was given to the introduction of Exhibit No. 11.

Trial Examiner Stephenson: The objection is overruled. The document will be received and marked as Board's Exhibit No. 12.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 12.)

BOARD'S EXHIBIT NO. 12

PRODUCTS SOLD AND DELIVERED IN THIS STATE
YEAR 1937 JANUARY TO NOVEMBER INCLUSIVE—
INTENTION OF PURCHASER TO SHIP OUT OF
STATE INDICATED, BUT ACTUAL DESTINATION
UNKNOWN.

Alexander & Baldwin, Ltd.

February	753.00
March	1,019.74
April	541.41
June	105.30
August	613.22
September	95.31

\$3,127.98

Baker Thomas Lime Co.

March	1,325.41
May	582.66
June	289.68
August	676.00
September	718.18
October	140.80
November	667.72

4,400.45

Babbitt Bros. Trading Co.

October	19.50
May	3.51
August	7.80

30.81

Boulder City Builders Supply

March	11.82
July	68.59

80.41

Frank Beam Lumber Co.

September	43.72
November	28.52

72.24

Walter Dubree

January	731.28
March	66.70
April	10.40
June	682.03
September	155.63

1,646.04

Evans Construction Co.

March	46.39
-------------	-------

46.39

Foxworth Killen Lumber Co.

June	89.50
------------	-------

89.50

De Camp Hudson Co.

April	10.82
-------------	-------

10.82

Honolulu Iron Works

February	427.96
March	2,547.19
April	2,075.62
May	430.56
June	82.90
July	1,262.13
August	118.49
September	10.96
November	145.91

7,101.72

A. R. Losh Co.

March 663.00

663.00

Momsen, Dunnegan Ryan Co.

August 676.77

676.77

Robert Nicolai

January 333.82

July 378.15

October 33.00

744.97

Wm. P. Neil

May 93.60

93.60

O. K. Plumbing Supply Co.

February 290.56

March 246.60

August 584.68

November 90.33

1,212.17

Sigfried Olsen Shipping Co.

March 4,853.46

July 655.20

August 1,570.83

September 920.06

7,999.55

O'Malley Lumber Co.

January 133.37

June 100.80

234.17

Pacific Clay Products

May 965.49

965.49

Phoenix Roofing & Supply Co.

February	1,016.33
March	631.60
April	542.07
May	1,197.03
June	1,536.40
July	2,076.50
September	644.78
November	809.63

8,454.34

Steinfeld Company

January	513.18
April	50.45
May	245.87
July	309.15
November	315.06

1,433.71

United States Government..... 363.92

363.92

Woitishek Lumber Co.

January	10.28
October	8.10

18.38

Whiting Brothers Co.

September	126.00
-----------------	--------

126.00

Yuma Lumber Co.

February	56.50
March	41.99
April	16.05
May	3.00
June	59.50
September	28.35
October	31.78
November	35.70

272.87

Union Tile Co.

June	452.05
July	547.89

999.94

\$40,771.64

[Endorsed]: 1-10-38. Board's Exhibit No. 12.

Mr. Walsh: Exhibit No. 13, products sold and delivered to railroads.

Trial Examiner Stephenson: The Board offers as its Exhibit 13 a statement of products sold and delivered to railroads in the State for delivery by railroads to points within the State of California for the year 1936 and 1937, from January to November, inclusive. Any objection?

Mr. Howlett: No objection.

Trial Examiner Stephenson: The same will be received and marked as Board's Exhibit No. 13.

BOARD'S EXHIBIT NO. 13

PRODUCTS SOLD AND DELIVERED TO RAILROADS IN THIS STATE FOR DELIVERY BY RAILROADS TO POINTS WITHIN THE STATE OF CALIFORNIA FOR THE YEAR 1936, AND 1937 FROM JANUARY TO NOVEMBER, INCLUSIVE.

Destination California

1936

Atchison, Topeka & Santa Fe R. R. Co.

Southern Pacific Company

February	\$29.06	None
June	35.48	
September	362.27	

\$426.81

1937

January	10.01	440.33
March	10.01	278.10
April	32.08	
June	281.69	
August	21.21	
November	28.89	

\$383.89

\$718.43

No sales in months not indicated.

[Endorsed]: 1-10-38. Board's Exhibit No. 13.

Mr. Walsh: Board's Exhibit 14.

Trial Examiner Stephenson: The Board now offers as its Exhibit 14 a statement of products sold and delivered to the [798] railroads in this state for the years 1936 and 1937, from January to Novem-

ber, inclusive. Intention of railroad to ship out of state indicated, but actual destination unknown.

Any objection?

Mr. Howlett: The same objection as to Board's Exhibit No. 11 and Board's Exhibit No. 12, with the same admission that the figures therein used are correct.

Trial Examiner Stephenson: Objection overruled. The same will be received and marked as Board's Exhibit 14.

Mr. Walsh: Exhibit 15 is a list of machinery purchased in the year 1936 and in the year 1937.

Trial Examiner Stephenson: The Board offers as its Exhibit 15 a statement of machinery purchased outside the State by the Respondent for the years 1936 and 1937, up to and including November. Is that right?

Mr. Howlett: Yes.

Trial Examiner Stephenson: Of the latter year. Any objection?

Mr. Howlett: The same objection as made to the various other exhibits, and in addition thereto a special objection as to the fifth item, the Harrup Ceramic Company of Columbus, Ohio, of \$1,080, and the same company in 1937 of \$720, as these are not machinery items. They are plans and permissions to build certain machinery and equipment.

Trial Examiner Stephenson: You admit, however, that the [799] facts contained in the statement are true?

Mr. Howlett: Yes. We ask to have those two items stricken from the exhibit.

Trial Examiner Stephenson: Objection overruled, and the request is denied. The same will be received and marked as Board's Exhibit 15.

(Thereupon the documents above referred to were received in evidence and marked as Board's Exhibits Nos. 14 and 15, respectively.)

BOARD'S EXHIBIT NO. 14

PRODUCTS SOLD AND DELIVERED TO RAILROADS IN THIS STATE FOR THE YEAR 1936, AND 1937 FROM JANUARY TO NOVEMBER, INCLUSIVE—INTENTION OF RAILROAD TO SHIP OUT OF STATE INDICATED BUT ACTUAL DESTINATION UNKNOWN.

1936

Atchison, Topeka & Santa Fe R. R. Co.

Southern Pacific Co.

January	17.56	463.50
February		463.50
March	47.94	
April	27.04	
May	22.35	
June	73.63	
July		95.02
August	41.82	
September	11.18	231.75
October		887.71
November	27.04	
	<hr/>	<hr/>
	\$268.56	\$2,141.48

1937		
February		1,173.11
April	23.26	633.20
May	38.63	1,350.30
June	56.31	2,700.85
July		2,863.60
August		2,249.30
September		653.77
October	30.64	1,575.79
November	78.59	
		<hr/>
		\$227.43 \$13,199.92

No sales in months not indicated.

[Endorsed]: 1-10-38. Board's Exhibit No. 14.

Mr. Walsh: Board's Exhibit No. 16 is a list of truck carriers used by Respondent, and Board's Exhibit 17 is a list of railroad carriers used by Respondent.

Trial Examiner Stephenson: The Board offers as its Exhibit 16 a list of truck carriers used by the Respondent. Any objection?

Mr. Howlett: No objection.

Trial Examiner Stephenson: The same will be received and marked as Board's Exhibit 16.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 16.)

Trial Examiner Stephenson: The Board also offers as its Exhibit No. 17 a list of railroads used by the Respondent as carriers.

Any objection, Mr. Howlett? [800]

Mr. Howlett: No objection.

Trial Examiner Stephenson: The same will be received and marked as Board's Exhibit No. 17.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 17.)

BOARD'S EXHIBIT NO. 17

Railroads Used As Carriers

Atchison, Topeka & Santa Fe Railway Co.

Southern Pacific Company

Union Pacific Railroad Company

Pacific Electric Railway Company

[Endorsed]: 1-10-38. Board's Exhibit No. 17.

Mr. Walsh: Mr. Examiner, I would like to ask for a stipulation of counsel an offer of stipulation. The Board will stipulate as to the correctness of the figures contained in Respondent's Exhibits 5, 6 and 7, and will stipulate that those are the figures that would be testified to if witnesses were called and examined from the books and records of the company.

I will ask counsel to stipulate with me that the figures contained in Exhibits 11 to 15 are the correct figures, and that it would be so testified if witnesses were called and examined.

Mr. Howlett: It will be so stipulated. [801]

Trial Examiner Stephenson: Very well. Upon motion of the Board the complaint will be dismissed without prejudice as to Charles Bland. [802]

Mr. Walsh: The Board rests.

Trial Examiner Stephenson: Off the record.

(Remarks outside the record.)

Mr. Mauritsen: Mr. Examiner, since a number of the persons named in the complaint are not available and we have been unable to get in touch with them and to obtain their testimony for the hearing, the Board now moves at this time to dismiss without prejudice the following persons named in Appendix A:

C. W. Starr

Albert (Slim) Davis

Charles Willard

Claude Pearl

And the following persons named in Appendix B:

Raymond Macht

Kenneth Norris

Nils Martinson

Juan Romero

Ernest Sill, and

Mark Damron.

Mr. Howlett: If your Honor please, before you rule on that motion, we wish to object to the dismissal without prejudice of these various individuals. The case has been brought, has been pending here for several weeks. There is no showing what effort, if any, has been made to secure the [803] witnesses in this case. The case is being conducted at large expense to the employer. We believe we should have one trial and finish all of the matters.

On that ground we object to the dismissal without prejudice.

Trial Examiner Stephenson: Objection overruled. The motion is granted.

HENRY PRESSING

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Trial Examiner Stephenson: State your name, please.

The Witness: Henry Pressing; P-r-e-s-s-i-n-g.

Direct Examination

Q. (By Mr. Howlett): What is your occupation, Mr. Pressing?

A. Secretary, L. A. Brick and Clay Products Company.

Q. How long have you been so employed?

A. Since February 15, 1920.

Q. As such, are you in charge of the financial records and books of the company?

A. I am. [804]

Q. Do you know whether or not your company publishes or distributes any advertising or circulars—strike that.

Do you know whether your company published or distributed any advertisements or circulars during the year 1936 or '37? A. They did not.

Q. Has your company ever registered a trade mark with the United States Patent Office?

(Testimony of Henry Pressing.)

A. No.

Q. Has your company ever registered with the Federal Securities and Exchange Commission?

A. No.

Q. Has your company ever registered under the Federal Motor Carriers Act of 1935? A. No.

Q. Were any raw materials shipped to your company from outside the State of California during the years 1936 and '37? A. No.

Q. Did your company ship any raw materials from California to points outside the State of California during the year 1936-1937? A. No.

Q. Are you familiar with the kinds and sources of materials used by your company in its operations? A. Yes.

Q. Particularly referring to 1936 and 1937?

[805]

A. Yes.

Q. What are the products used in the manufacture of clay products?

A. Raw clay, water, barium, and various chemicals for coloring.

Q. Where is clay produced?

A. Salt. Clay is produced at Alberhill.

Q. Does your entire supply come from that point? A. It does.

Q. And that is Riverside, California?

A. Yes.

Q. Where does your water come from?

A. Alberhill.

(Testimony of Henry Pressing.)

Q. Riverside, California?

A. Riverside County.

Q. Where do you secure your barium from?

A. The Los Angeles Chemical Company, a local organization.

Q. Where are they located?

A. In Los Angeles.

Q. Are there any other products that go into your manufacture? A. Salt.

Q. Where do you secure your salt?

A. From the California Rock Salt Company.

Q. Where are they located?

A. They are located in California. [806]

Q. The chemicals that you speak of, where are they secured?

A. From the Los Angeles Chemical Company.

Q. Do you purchase any of your products outside the State of California that go into the manufacture of your clay products? A. No.

Q. Referring to Respondent's Exhibit No. 5, do the sales shown in this exhibit include the sales of your company, whether made within the State of California, or made outside the State of California?

A. They do.

Q. In other words, it is your total sales?

A. Total sales; yes, sir.

Q. Why were your sales listed—referring again to Exhibits 6 and 7, those refer to sales that were made and delivered outside the State of California, is that correct? A. That's correct.

(Testimony of Henry Pressing.)

Q. Why were the sales listed there as being made outside the State of California?

A. Because the orders from the purchasers so required.

Q. The delivery of goods in those two exhibits was made outside the State of California, is that correct? A. That's right.

Q. Referring to Respondent's Exhibit 5 and Respondent's Exhibit 6 and Respondent's Exhibit 7, as to all sales listed on Exhibit 5, other than those in Exhibits 6 and 7, where was [807] delivery made? A. In California.

Q. Is there any particular reason why those sales were made and deliveries—withdraw that.

Is there any particular reason why deliveries were made in the State of California?

A. Because the orders requested that they be made at the point of destination within the State of California.

Q. As to all sales made by your company in which delivery is made within the State of California, does the company thereafter have any control over the destination of the goods as to delivery, or any responsibility for loss or damage to the goods? A. No.

Q. Do you pay, or are you required to pay the sales tax to the Board of Equalization of the State of California on the sales listed in Exhibits 6 and 7?

(Testimony of Henry Pressing.)

A. No. These shipments are made outside the State.

Q. Referring to Board's Exhibits 11 and 12, which are products sold and delivered in the State of California for the years 1936 and 1937, in which the intention of the purchaser to ship out of the State is indicated, but actual destination is unknown, do you, or are you required to pay sales tax to the State Board of Equalization of the State of California?

A. Yes; unless there is a certificate of resale furnished by [808] the purchaser.

Q. Well, as to the certificate of resale, that would apply to all cases? A. Yes.

Q. Whether sold in the State or out of the State. Do your records show the number of men employed, the production in tons, the inventory in tons, and the sales in tons for each month of the year of 1936, and from January to November of 1937, inclusive?

A. They do.

Q. I show you, Mr. Pressing, what purports to be such a record. Who prepared that record?

A. It was prepared under my supervision.

Q. From what figures were these figures taken?

A. From our books and records.

Q. And those figures are correct?

A. They are.

Mr. Howlett: I wish at this time to offer into evidence Respondent's Exhibit No. 8.

(Testimony of Henry Pressing.)

Trial Examiner Stephenson: You had better identify that, Mr. Howlett. It does not seem to be titled anything in particular, so that we will have it in the record.

Mr. Howlett: All right. It is a statement for 1936, and for the months of January to November, inclusive, 1937, showing the number of men, the production in tons, the inventory [809] in tons, and the sales in tons for each month.

Trial Examiner Stephenson: Any objection on the part of the Board?

Mr. Mauritsen: No objection.

Trial Examiner Stephenson: The same will be received in evidence and marked as Respondent's Exhibit No. 8.

(Thereupon the document above referred to was received in evidence and marked as Respondents' Exhibit No. 8.)

(Testimony of Henry Pressing.)

RESPONDENT'S EXHIBIT NO. 8
Los Angeles Brick & Clay Products Co.

Month	1936 (year complete)				1937 (Jan. to Nov. Incl.)			
	No. of Men	Prod. in Tons	Inv'ty Tons	Sales Tons	No. of Men	Prod. in Tons	Inv'ty Tons	Sales Tons
January	121	2178	23,929	2111	160	2162	21,902	1993
February	125	1856	24,181	1604	158	1876	21,689	2089
March	129	1961	23,676	2466	157	2087	20,757	3019
April	135	2375	23,548	2503	165	2811	21,127	2441
May	133	2630	23,916	2262	164	3239	22,238	2128
June	136	2309	24,315	1910	101	1303	21,691	1850
July	135	2138	24,460	1993	142	1669	21,651	1709
August	135	2266	24,877	1849	127	2671	22,390	1932
September	141	2135	25,148	1864	152	2704	23,534	1560
October	140	1937	24,909	2176	136	2142	24,260	1416
November	148	2400	25,263	2046	133	1739	24,796	1203
December	154	2021	25,560	1724				

Note: Sales tons—orders filled during month.

[Endorsed]: 1/10/38. Respondent's Exhibit No. 8.

(Testimony of Henry Pressing.)

Q. (By Mr. Howlett) At the bottom of the certificate, Mr. Pressing, there is a note reading: "Sales tons—orders filled during month." Will you be kind enough to explain what that means?

A. The sales by tons refers to deliveries by tons, not particularly the amount sold, but the deliveries in that particular month.

Q. Do the records of your company show the average number of men employed by months during the years from 1929 to 1937, inclusive?

A. They show the actual number of men.

Q. Have you prepared a statement taken from your records showing such facts?

A. I have.

Q. Is that a statement that you prepared?

A. Yes, sir. [810]

Q. Yes, sir.

Mr. Howlett: We wish at this time to introduce into evidence Respondent's Exhibit No. 9.

Trial Examiner Stephenson: Being the document about which you have just interrogated the witness?

Mr. Howlett: That is correct.

Trial Examiner Stephenson: Any objection on the part of the Board?

Mr. Mauritsen: Mr. Examiner, I have had no opportunity to go over either this exhibit or the previous one, and no copy has been furnished me. So I should like to reserve an objection until we have time to look them over.

(Testimony of Henry Pressing.)

Mr. Howlett: If your Honor please—I think most of the——

Trial Examiner Stephenson: Just a second. You will have an opportunity to examine this. The statement certainly is material. As to its correctness, of course, you will have an opportunity to go into the correctness of the statement. But it will be received and marked as Respondent's Exhibit No. 9.

(Thereupon the document above referred to was received in evidence and marked as Respondent's Exhibit No. 9.)

RESPONDENT'S EXHIBIT No. 9

Los Angeles Brick & Clay Products Co.

NUMBER OF MEN ON ALBERHILL PAYROLL

	1929	1930	1931	1932	1933	1934	1935	1936	1937
January	134	146	155	104	75	88	94	121	160
February	133	122	150	107	80	92	94	125	158
March	138	124	148	103	84	95	93	129	157
April	139	131	146	96	84	94	95	135	165
May	138	130	133	99	78	81	97	133	164
June	141	120	132	88	66	74	98	136	101
July	136	125	130	86	68	76	100	135	142
August	140	119	132	83	63	78	104	135	127
September	139	117	122	75	65	80	102	141	152
October	145	122	128	74	64	82	108	140	136
November	145	126	113	71	63	91	114	148	133
December	146	146	110	71	65	93	121	154	

[Endorsed]: 1/10/38. Respondent's Exhibit No. 9.

(Testimony of Henry Pressing.)

Q. (By Mr. Howlett) Mr. Pressing, I show you what purports to be an official pamphlet issued by the United States Department of Commerce on clay-products, including pottery, nonclay [811] refractories, and sand-lime brick, including production and stocks for the year 1936, dated August, 1937, and ask you whether the pamphlet is what it purports to be. A. Yes, it is.

Mr. Howlett: We wish to introduce that as Respondent's Exhibit No. 10.

Trial Examiner Stephenson: Any objection on the part of the Board?

Mr. Mauritsen: No objection.

Trial Examiner Stephenson: The same will be received in evidence as Respondent's Exhibit No. 10.

(Thereupon the document above referred to was received in evidence and marked as Respondent's Exhibit No. 10.)

U. S. DEPARTMENT OF COMMERCE

Daniel C. Roper, Secretary

BUREAU OF THE CENSUS

William L. Austin, Director

Respondent's Exhibit

No. 10

CLAY - PRODUCTS (INCLUDING POTTERY)

NONCLAY REFRACTORIES

AND

SAND - LIME BRICK

PRODUCTION AND STOCKS, 1936



AUGUST 1937

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Prepared under the supervision of
LeVERNE BEALES
Chief Statistician for Manufactures

#12427

Introduction.—This report presents statistics, for 1936 as compared with prior years, of production and stocks on hand for establishments engaged in the manufacture of (1) clay products other than pottery, (2) pottery, (3) nonclay refractories, and (4) sand-lime brick.

Preliminary reports for 1936 as compared with 1935 for the Clay Products (including Pottery) and Nonclay Refractories industries and for the Sand-Lime Brick industry were issued under date of June 17, 1937, and June 8, 1937, respectively.

Scope of the canvass.—The Clay Products and Nonclay Refractories industries have been canvassed annually since 1921 by the Bureau of the Census, the reports for the odd-numbered years being included in the series presenting the reports of the biennial censuses of manufactures. The data collected for the even-numbered years relate only to production and stocks on hand, except for 1922, for which year data on production only were collected. The Sand-Lime Brick inquiry was added to this series of annual censuses in 1923. Annual statistics on production for the Clay Products and Nonclay Refractories industries were compiled by the Geological Survey, Department of the Interior, from 1913 to 1920, inclusive.

Descriptions of the industries.—The Clay Products (other than Pottery) industry embraces those establishments that are engaged primarily in the manufacture of building materials, such as brick, tile, terra cotta, etc., sewer pipe, drain tile, and fire-clay and other refractory-clay products.

Establishments assigned to the Pottery industry are those whose leading products are white ware, hotel china, stoneware, vitreous-china plumbing fixtures, porcelain electrical supplies, and red earthenware. Separate data on the production of hotel china and of vitreous-china plumbing fixtures were not collected prior to the 1921 and 1925 censuses, respectively.

The Nonclay Refractories industry consists of those establishments that manufacture silica brick, magnesite and chrome brick, graphite crucibles, and other nonclay refractories. Silica brick is the only product of this industry for which data have been collected annually since 1913. No statistics are available, therefore, on the production of graphite crucibles for years prior to 1925 and of magnesite and chrome brick and other refractories for years prior to 1923.

The Sand-Lime Brick industry consists in the manufacture of brick from a combination of sand and lime or cement molded under heavy pressure and subjected to the action of steam in a hardening chamber.

Table 1.—Clay Products (including Pottery) and Nonclay Refractories—Number of Establishments and Total Value of Products, by States: 1936 and 1935

State	Number of establishments		Value of Products		Percent of increase, 1936 over 1935
			1/ Total		
	1936	1935	1936	1935	
United States.....	1,630	1,611	\$245,915,448	\$179,751,269	36.8
Alabama.....	31	30	2,717,484	1,757,093	54.7
Arizona.....	5	7	157,178	103,350	52.1
California.....	95	98	15,845,592	9,623,187	43.9
Florida.....	5	7	92,245	62,171	48.4
Georgia.....	34	24	2,863,828	2,274,407	25.9
Illinois.....	103	93	12,498,091	8,451,842	47.9
Indiana.....	66	64	8,904,620	5,724,569	55.6
Iowa.....	36	37	2,767,593	2,035,846	35.9
Kentucky.....	39	39	5,452,298	3,949,556	38.1
Louisiana.....	11	10	246,487	176,352	39.8
Maine.....	13	14	343,227	314,313	9.2
Mississippi.....	19	23	635,604	451,005	40.9
Missouri.....	41	37	11,807,537	8,180,813	44.3
New Jersey.....	83	86	20,547,231	15,194,939	35.2
New York.....	57	62	9,501,343	7,571,748	25.5
North Carolina.....	42	43	5,116,682	2,227,617	39.9
Ohio.....	266	266	48,441,083	38,200,104	26.8
Oklahoma.....	15	15	633,805	266,185	138.1
Oregon.....	15	14	478,480	291,022	64.4
Pennsylvania.....	205	205	46,815,076	33,318,618	40.5
Washington.....	27	22	1,295,494	785,670	64.9
West Virginia.....	37	40	15,907,234	13,893,012	14.5
Other States 2/.....	385	375	36,851,436	24,898,470	48.0

1/ Not including values of products not normally belonging to these industries, as follows: 1936, \$158,486; 1935, \$378,418.

2/ States included and numbers of establishments reporting for 1936 and 1935, respectively, are: Ark., 10, 10; Colo., 30, 31; Conn., 22, 17; Del., 5, 5; D. C., 4, 4; Idaho, 7, 6; Kans., 22, 21; Md., 24, 25; Mass., 20, 18; Mich., 21, 26; Minn., 14, 17; Mont., 10, 9; Nebr., 8, 11; Nev., 0, 1; N.H., 9, 7; N. Mex., 5, 4; N. Dak., 3, 2; R. I., 1, 1; S. C., 22, 20; S. Dak., 2, 1; Tenn., 24, 25; Tex., 49, 38; Utah, 8, 9; Vt., 1, 1; Va., 34, 33; Wis., 26, 27; Wyo., 4, 6. Figures for these States have been combined in order to avoid disclosing approximations of data reported by individual establishments.

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CLAY PRODUCTS

CLAY PRODUCTS (OTHER THAN POTTERY) POTTERY

VALUE OF PRODUCTS, 1913 TO 1936

MILLIONS OF DOLLARS

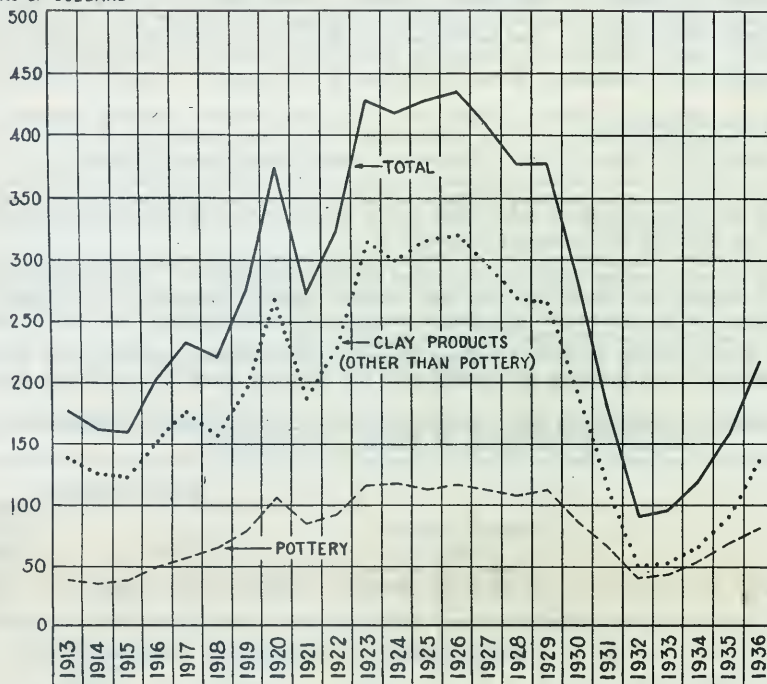


Table 2.—Clay Products (other than Pottery) and Pottery—Value of Products: 1913 to 1936

Year	Total	Clay products (other than pottery)	Pottery
1936	\$217,570,731	\$136,249,772	\$81,320,959
1935	158,461,037	90,177,576	68,283,461
1934	118,735,841	66,179,814	52,556,027
1933	96,795,862	52,771,514	44,024,348
1932	90,576,863	50,203,504	40,373,359
1931	179,882,368	113,299,867	66,582,501
1930	278,937,861	193,356,778	85,581,083
1929	377,301,878	265,282,661	112,019,217
1928	377,225,228	269,444,859	107,780,369
1927	407,774,583	296,161,652	111,612,931
1926	434,423,553	317,920,245	116,493,308
1925	427,013,639	314,995,139	112,018,500
1924	417,976,669	299,961,684	118,014,985
1923	427,764,526	312,813,459	114,951,067
1922	321,494,403	229,508,106	91,986,297
1921	271,898,287	187,749,258	84,149,029
1920	373,670,102	266,953,426	106,716,676
1919	276,346,378	197,488,616	77,857,762
1918	220,573,493	156,661,700	63,911,793
1917	232,512,773	176,350,251	56,162,522
1916	200,890,855	152,673,593	48,217,242
1915	160,080,363	122,754,975	37,325,388
1914	162,035,458	126,637,297	35,398,161
1913	177,473,326	139,480,951	37,992,375

CLAY PRODUCTS (OTHER THAN POTTERY)

180
160
140
120
100
80
60
40
20
0

1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936

VALUE OF PRINCIPAL PRODUCTS, 1913 to 1936

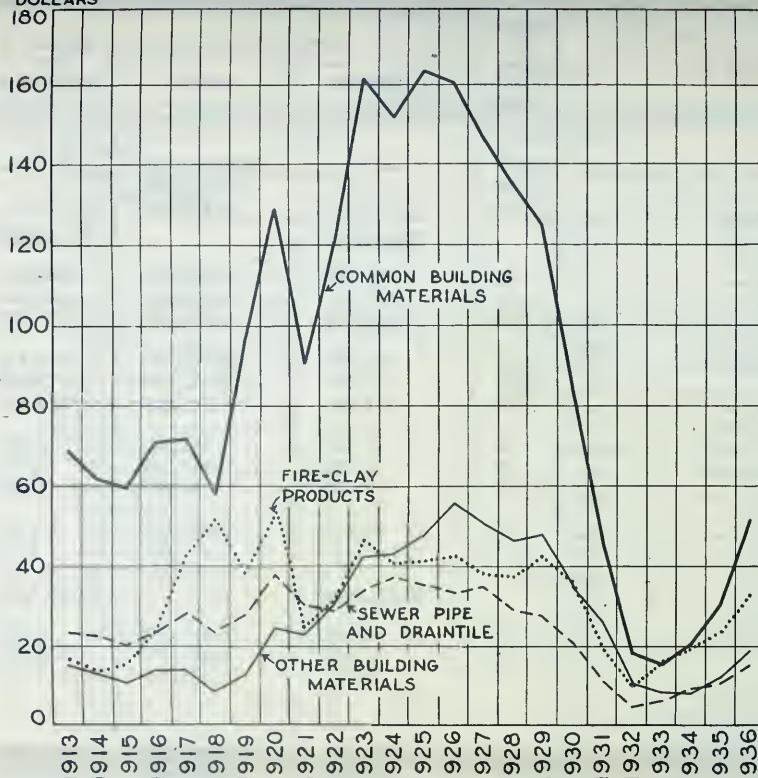


Table 5.—Clay Products (other than Pottery)—Value of Principal Products: 1913 to 1936

Year	1/Common building materials	2/Other building materials	3/Fire-clay products	Sewer pipe and drain tile
1936	\$51,748,071	\$18,934,412	\$32,885,945	\$14,969,056
1935	30,718,349	12,062,490	23,831,349	10,618,703
1934	20,072,287	8,018,346	19,242,598	9,085,038
1933	15,459,987	8,437,070	16,127,758	6,038,358
1932	18,247,221	10,725,886	9,923,924	4,719,754
1931	46,095,004	26,121,036	19,487,388	11,115,443
1930	84,266,688	34,891,291	36,053,943	20,975,365
1929	124,994,728	48,026,327	42,376,118	27,845,885
1928	135,158,819	46,304,204	37,391,735	29,224,993
1927	146,428,006	50,877,727	38,173,878	34,937,214
1926	160,561,289	55,931,558	42,706,932	33,161,502
1925	163,243,249	47,820,437	41,163,701	35,381,251
1924	151,620,673	43,109,874	40,620,941	37,217,361
1923	161,639,301	42,213,371	46,676,637	34,202,466
1922	120,554,302	30,463,400	31,356,741	28,748,636
1921	90,065,265	22,911,247	24,853,297	30,523,342
1920	128,769,205	24,433,342	53,415,886	37,895,656
1919	97,582,380	13,050,189	38,015,792	27,700,775
1918	57,914,680	8,294,620	51,647,639	23,529,872
1917	71,583,145	14,076,742	42,501,669	28,515,374
1916	70,764,937	13,878,315	24,436,873	23,660,653
1915	59,481,766	10,927,350	15,800,062	20,138,613
1914	61,444,484	12,992,720	13,476,022	22,536,806
1913	68,369,111	15,177,897	16,811,316	23,430,423

1/ Common brick, face brick, hollow building tile.

2/ Terra cotta, fancy or ornamental brick, enameled brick, roofing tile, floor tile, ceramic mosaic tile (vitreous and semivitreous, unglazed), enameled tile (bright, dull, matt, and semimatt finishes) and glazed ceramic mosaic tile, faience tile (including hand-decorated), and wall tile (white and bright-glazed), including trim.

3/ Brick, block, or tile (9-inch equivalent), high-alumina brick (over 40 per cent Al_2O_3), special shapes.

Table 4.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand, for the United States: 1936, 1935, and 1934

Kind and Year	Number of establishments	Production		Stocks on hand December 31
		Quantity	Value	
Total:				
1936.....	1,277	-----	\$136,249,772	-----
1935.....	1,259	-----	90,177,576	-----
1934.....	1,275	-----	66,179,814	-----
		<u>Thousands</u>		<u>Thousands</u>
Common brick:				
1936.....	747	2,966,521	30,108,170	653,450
1935.....	740	1,811,341	18,238,060	697,882
1934.....	693	1,098,689	11,419,108	606,060
Face brick:				
1936.....	384	848,780	12,726,556	412,149
1935.....	366	472,587	7,011,056	373,466
1934.....	348	305,208	4,749,250	384,632
Hollow brick:				
1936.....	25	8,361	121,141	3,098
1935.....	23	9,083	246,149	5,731
1934.....	25	6,136	84,677	4,150
Salt-glazed brick:				
1936.....	15	48,606	1,029,795	13,352
1935.....	(2)	(2)	(2)	(2)
1934.....	(2)	(2)	(2)	(2)
		<u>Short tons</u>		<u>Short tons</u>
Terra cotta:				
1936.....	18	22,944	2,564,749	4,550
1935.....	16	17,552	1,527,966	4,151
1934.....	22	13,281	1,127,826	4,708
Hollow building tile:				
(a) Partition, load-bearing, furring, and book tile:				
1936.....	328	1,437,756	8,208,097	511,820
1935.....	319	842,264	4,963,484	497,524
1934.....	299	635,836	3,500,922	511,972
(b) Conduit:				
1936.....	15	24,122	274,559	27,560
1935.....	15	19,304	191,903	30,351
1934.....	16	13,370	155,880	51,315
(c) Floor-arch, silo, and corner rib tile; radial chimney blocks; fire-proofing tile:				
1936.....	30	73,008	430,689	24,116
1935.....	32	51,522	313,846	27,819
1934.....	28	36,504	247,127	18,557
Tile (other than hollow and drain):		<u>Squares</u>		<u>Squares</u>
(a) Roofing tile:		(100 sq. ft.)		(100 sq. ft.)
1936.....	45	211,284	2,205,784	86,212
1935.....	42	134,922	1,145,434	69,769
1934.....	44	113,327	1,168,641	84,549
(b) Floor tile (plain, vitreous, encaustic, quarry, etc.):		<u>Square feet</u>		<u>Square feet</u>
1936.....	52	12,217,406	1,725,144	3,857,982
1935.....	52	7,554,651	1,083,771	4,702,696
1934.....	51	5,234,082	691,444	5,562,403
(c) Ceramic mosaic (vitreous and semivitreous, unglazed):				
1936.....	17	8,584,632	1,819,739	3,576,128
1935.....	21	6,416,303	1,317,288	3,034,683
1934.....	17	3,935,543	813,526	3,249,731
(d) Enameled tile (bright, dull, matt, and semimatt finishes) and glazed ceramic mosaic:				
1936.....	19	20,811,261	6,588,883	4,441,992
1935.....	17	12,100,646	3,551,485	3,830,108
1934.....	20	6,172,225	2,197,313	4,203,080

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Table 4.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; for the United States: 1936, 1935, and 1934
(Continued)

Kind and Year	Number of establishments	Production		Stocks on hand December 31
		Quantity	Value	
Tile (other than hollow and drain)		Square feet		Square feet
(Continued):				
(e) Faience tile (including hand-decorated tile):				
1936.....	20	743,300	\$403,038	584,082
1935.....	23	524,319	310,816	553,484
1934.....	26	652,744	283,389	915,249
(f) Wall tile (white and bright-glazed), including trim:				
1936.....	24	13,094,864	3,211,528	2,328,672
1935.....	28	10,704,746	3,090,729	2,168,445
1934.....	20	7,305,071	1,550,622	2,525,546
Vitrified brick and plates:		Thousands		Thousands
(a) For paving:				
1936.....	63	79,043	1,868,290	56,687
1935.....	74	71,800	1,724,002	67,341
1934.....	72	99,718	2,231,919	66,943
(b) Sewer liners:		Short tons		Short tons
1936.....	11	9,878	112,996	4,456
1935.....	14	5,129	75,150	6,529
1934.....	(2)	(2)	(2)	(2)
(c) For other purposes:		Thousands		Thousands
1936.....	27	18,169	308,314	14,425
1935.....	28	11,452	171,291	23,220
1934.....	34	14,079	202,233	35,323
Drain tile:		Short tons		Short tons
Total:				
1936.....	245	338,428	2,509,791	111,675
1935.....	240	264,123	2,001,570	148,121
1934.....	236	168,126	1,172,368	102,784
(a) Vitrified (underdrain):				
1936.....	88	157,550	1,198,934	44,571
1935.....	84	109,394	885,413	62,744
1934.....	(2)	(2)	(2)	(2)
(b) Unvitrified:				
1936.....	167	180,878	1,310,857	67,104
1935.....	163	154,729	1,116,157	85,377
1934.....	(2)	(2)	(2)	(2)
Sewer pipe:				
1936.....	83	990,984	12,459,265	391,406
1935.....	85	670,181	8,617,133	356,035
1934.....	78	661,222	7,912,670	356,219
Stove lining:				
1936.....	17	12,970	368,347	3,563
1935.....	15	7,614	236,332	3,685
1934.....	15	4,626	178,566	1,851
Flue lining:				
1936.....	80	128,440	1,610,639	35,799
1935.....	81	98,484	1,167,624	27,325
1934.....	79	47,331	563,563	26,459
Chimney pipe and tops:				
1936.....	37	6,881	132,927	3,387
1935.....	41	4,251	91,856	3,518
1934.....	32	2,299	47,421	3,080
Wall coping:				
1936.....	58	20,783	249,794	8,004
1935.....	51	19,094	222,997	4,292
1934.....	50	10,719	109,403	5,954
Segment blocks:				
1936.....	10	11,251	136,977	8,465
1935.....	11	9,169	105,540	10,845
1934.....	14	11,474	110,792	13,547

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Table 4.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; for the United States: 1936, 1935, and 1934

(Continued)

Kind and Year	Number of establishments ^{1/}	Production		Stocks on hand December 31
		Quantity	Value	
Fire-clay products:				
(a) Brick, block, and tile, except high-alumina (9-inch equivalent):		<u>Thousands</u>		<u>Thousands</u>
1936.....	172	615,498	\$26,579,979	197,849
1935.....	183	481,679	19,495,591	192,996
1934.....	181	390,214	15,485,175	166,403
(b) High-alumina brick (over 40% Al ₂ O ₃):				
1936.....	21	11,151	1,122,117	4,217
1935.....	27	13,220	1,071,029	8,565
1934.....	25	15,719	1,023,747	7,341
(c) Special shapes:		<u>Short tons</u>		<u>Short tons</u>
1936.....	67	226,791	5,183,849	74,100
1935.....	72	156,111	3,264,729	54,949
1934.....	69	115,492	2,733,676	45,234
(d) Plastic fire brick:				
1936.....	36	39,378	1,099,364	2,236
1935.....	(2)	(2)	(2)	(2)
1934.....	(2)	(2)	(2)	(2)
(e) Ladle brick:		<u>Thousands</u>		<u>Thousands</u>
1936.....	7	59,323	1,118,394	5,324
1935.....	(2)	(2)	(2)	(2)
1934.....	(2)	(2)	(2)	(2)
Glass-house tank blocks, melting pots, stoppers, floaters, and rings:		<u>Short tons</u>		<u>Short tons</u>
1936.....	14	29,478	2,483,669	16,882
1935.....	14	27,525	2,441,113	17,567
1934.....	16	25,203	2,375,693	19,525
Refractory cement (clay):				
1936.....	64	41,456	1,942,497	5,076
1935.....	62	36,905	1,774,855	3,221
1934.....	57	24,665	1,267,470	2,414
Clay sold, raw or prepared, including fire-clay dust:				
1936.....	177	377,344	1,583,123	-----
1935.....	159	252,670	1,190,559	-----
1934.....	175	253,311	1,296,740	-----
Other clay products, except pottery:				
1936.....	70	-----	3,961,563	-----
1935.....	80	-----	2,574,221	-----
1934.....	48	-----	1,478,653	-----

^{1/} The totals in this column do not equal the sums of the individual items, for the reason that in some cases two or more of the products named are manufactured by the same establishment.

^{2/} No data.

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; by States: 1936 and 1935
(For totals for United States, see Table 4, above)

Kind and State	Number of establishments	1936		Stocks on hand Dec. 31	Number of establishments	1935		Stocks on hand Dec. 31
		Production				Production		
		Quantity	Value			Quantity	Value	
Common brick:		Thousands		Thousands		Thousands		Thousands
Alabama.....	21	121,221	\$969,986	12,930	20	64,078	\$488,341	13,032
Arizona.....	4	11,512	120,478	845	7	6,314	65,356	2,397
Arkansas.....	8	26,525	219,908	4,705	6	14,815	128,203	4,670
California.....	52	102,616	1,049,501	35,104	27	58,125	586,831	33,557
Colorado.....	17	30,240	314,892	10,542	19	16,601	164,889	12,381
Florida.....	4	11,035	86,445	1,145	4	5,774	45,571	1,760
Georgia.....	13	122,365	903,058	11,327	13	98,383	744,507	9,524
Idaho.....	6	5,575	75,409	2,130	5	4,552	56,033	1,987
Illinois.....	53	221,452	2,055,708	76,215	43	114,131	1,040,361	77,076
Indiana.....	24	74,236	736,347	14,074	26	38,241	397,826	13,994
Iowa.....	22	39,660	424,066	7,910	26	30,187	330,858	18,540
Kansas.....	12	21,049	169,671	8,013	12	15,497	127,133	8,801
Kentucky.....	18	49,422	471,645	13,939	17	28,223	277,338	11,911
Louisiana.....	10	21,064	194,286	3,186	9	13,124	123,719	4,040
Maine.....	11	11,927	156,767	6,097	12	8,513	123,650	8,148
Maryland.....	14	58,357	725,469	12,248	14	36,453	476,373	14,565
Massachusetts..	10	49,986	606,073	14,577	10	35,134	430,177	21,527
Michigan.....	6	93,609	1,031,723	15,782	9	39,660	320,535	9,142
Minnesota.....	10	26,492	296,970	10,202	12	14,438	164,593	9,490
Mississippi.....	11	50,984	493,244	4,100	15	33,438	337,800	8,840
Missouri.....	19	49,344	517,742	11,665	15	29,927	329,487	12,071
Montana.....	10	8,067	121,313	2,802	9	5,770	85,012	2,832
Nebraska.....	6	19,430	207,427	5,034	9	15,975	161,332	8,020
New Jersey.....	13	83,896	1,003,990	15,080	13	74,921	851,226	22,709
New Mexico.....	5	6,517	83,603	1,964	4	2,751	34,486	2,204
New York.....	33	387,936	3,165,495	95,946	35	234,493	1,967,783	92,498
North Carolina..	35	214,907	2,192,034	15,041	34	149,043	1,429,837	23,570
Ohio.....	48	128,785	1,474,926	27,611	45	56,973	647,823	27,720
Oklahoma.....	12	33,678	327,196	4,138	11	13,557	141,806	3,264
Oregon.....	10	9,628	144,924	2,534	11	4,259	66,565	2,644
Pennsylvania.....	67	211,542	2,507,392	53,663	69	134,778	1,636,759	62,925
South Carolina..	16	102,945	947,939	5,631	15	65,636	595,997	10,182
Tennessee.....	17	92,182	881,290	17,182	20	44,007	444,758	12,603
Texas.....	35	123,536	1,078,819	31,181	30	63,856	580,843	25,872
Utah.....	6	16,390	192,002	5,200	7	9,430	110,493	3,651
Virginia.....	28	108,447	1,270,446	23,339	27	80,771	910,434	18,398
Washington.....	14	22,515	292,954	5,171	13	13,643	171,339	5,131
West Virginia...	11	26,201	308,583	4,110	11	16,185	189,185	4,766
Wisconsin.....	16	23,268	258,387	10,192	19	22,283	215,889	20,739
Wyoming.....	4	2,335	35,898	474	6	1,632	23,810	2,587
Connecticut.....	17	64,815	831,162	26,611	12	36,192	409,765	25,655
Rhode Island....	1				1			
Delaware.....	5				5			
District of Columbia....	1	59,299	796,712	9,396	1	45,469	568,324	8,520
Nevada.....	-				1			
North Dakota....	3				2			
South Dakota....	1	21,531	366,290	14,414	1	14,139	235,013	13,919
New Hampshire...	9				7			
Vermont.....	1				1			
Face brick:								
Alabama.....	14	17,895	229,443	7,384	12	14,318	152,748	6,441
California.....	12	2,279	80,091	6,296	16	799	30,048	6,780
Colorado.....	11	14,546	220,285	7,132	10	6,641	103,667	9,852
Georgia.....	6	17,797	202,930	5,344	6	12,875	167,594	5,624
Illinois.....	26	92,476	1,392,689	28,466	22	56,100	779,402	25,807
Indiana.....	19	57,118	959,024	34,221	18	27,720	445,143	16,427
Iowa.....	18	16,404	225,064	7,972	18	10,047	144,285	8,607
Kansas.....	8	6,345	84,122	7,105	10	5,921	80,609	9,545
Kentucky.....	7	6,149	87,978	622	7	8,595	103,719	1,241

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Table 5.—Clay Products (other than Pottery)—Number of Establishments, Production, by Kind, Quantity, and Value, and Stocks on Hand, by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	1936				1935			
	Number of establishments	Production		Stocks on hand Dec. 31	Number of establishments	Production		Stocks on hand Dec. 31
		Quantity	Value			Quantity	Value	
Face brick (Continued):		Thousands		Thousands		Thousands		Thousands
Maryland.....	5	22,492	\$328,719	6,361	6	15,859	\$279,635	7,419
Missouri.....	12	27,661	421,263	12,681	12	13,121	192,553	15,274
Montana.....	3	3,133	67,748	1,563	3	2,449	56,076	927
Nebraska.....	5	4,676	70,609	2,597	5	3,532	53,200	3,328
North Carolina..	13	23,055	316,877	7,369	9	14,141	182,367	2,476
Ohio.....	44	156,046	2,109,502	82,757	40	81,915	1,140,900	79,135
Oklahoma.....	11	11,887	172,968	7,271	10	3,906	60,668	6,483
Pennsylvania....	56	123,297	1,910,568	72,478	56	58,723	925,690	65,545
South Carolina..	4	8,990	100,901	1,500	4	4,168	52,258	1,267
Tennessee.....	8	24,293	344,647	10,026	8	14,443	185,912	6,277
Texas.....	20	48,351	656,399	34,286	13	22,247	318,557	29,648
Utah.....	6	7,652	190,540	3,288	6	3,762	92,169	2,346
Virginia.....	14	30,256	514,458	8,860	12	20,498	313,826	7,356
Washington.....	10	8,095	175,063	3,886	9	4,226	76,402	4,536
West Virginia...	10	13,894	222,835	4,222	10	12,496	189,398	6,303
Wisconsin.....	4	3,214	52,811	1,807	4	3,092	50,500	1,347
Arizona.....	-				1			
Idaho.....	3				3			
Nevada.....	-	2,059	47,529	2,371	1	959	17,350	2,076
New Mexico.....	2				2			
Arkansas.....	5				5			
Louisiana.....	1	36,249	528,517	20,869	1	18,345	275,966	21,103
Mississippi.....	3				4			
Connecticut.....	2				1			
Maine.....	1	12,157	222,273	4,095	1	3,006	62,246	3,231
Massachusetts...	1				1			
Rhode Island....	1				1			
Michigan.....	2	25,856	388,348	9,111	3	13,994	250,156	9,741
Minnesota.....	2				2			
New Jersey.....	2	15,601	231,180	3,806	2	10,596	160,521	4,063
New York.....	4				5			
North Dakota....	1				-			
Oregon.....	5	7,857	171,175	6,292	4	3,083	67,591	3,258
South Dakota....	1				1			
Wyoming.....	2				2			
Hollow brick:								
California.....	1				-			
Colorado.....	1				1			
Iowa.....	1	3,226	29,855	914	1	445	4,526	549
Minnesota.....	1				1			
Texas.....	2				2			
Connecticut.....	1				-			
Illinois.....	3				2			
Indiana.....	1	4,000	68,916	1,673	2	7,372	219,688	4,377
Michigan.....	1				-			
New York.....	2				1			
Ohio.....	5				6			
North Carolina..	-				1			
Pennsylvania....	4				3			
South Carolina..	1	1,125	22,370	511	1	1,266	21,935	805
Virginia.....	1				1			
West Virginia...	-				1			
Salt-glazed brick:								
Ohio.....	6	45,962	947,107	10,808				
Colorado.....	2							
Pennsylvania....	2							
Texas.....	1	2,644	82,688	2,544	(1)	(1)	(1)	(1)
Utah.....	2							
Washington.....	1							
Wyoming.....	1							

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand, by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	Number of estab-lish-ments	1 9 3 6		Stocks on hand Dec. 31	Number of estab-lish-ments	1 9 3 5		Stocks on hand Dec. 31
		Production				Production		
		Quantity	Value			Quantity	Value	
Terra cotta:		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>
California.....	3	3,830	\$336,917	345	3	3,054	\$280,920	457
Colorado.....	1				1			
Kansas.....	1				1			
Missouri.....	1	1,805	263,920	2,954	1	1,397	156,286	566
Washington.....	1				1			
Illinois.....	3				3			
Indiana.....	1				1			
New Jersey.....	4	17,309	1,963,912	1,251	3	13,101	1,090,760	3,128
New York.....	1				1			
Pennsylvania....	2				2			
Hollow building tile:								
(a) Partition, load-bearing, furring, and book tile:								
Alabama.....	9	21,356	164,229	11,303	6	13,636	64,015	17,276
Arkansas.....	4	23,061	137,510	13,355	4	8,425	49,724	9,534
California.....	12	13,495	161,061	29,586	13	9,857	126,530	36,559
Colorado.....	7	15,258	141,013	6,066	7	5,490	47,216	7,107
Georgia.....	4	53,401	199,285	15,225	3	27,829	100,737	15,971
Illinois.....	30	126,595	615,547	44,709	25	56,052	250,751	41,852
Indiana.....	19	63,933	411,931	22,700	19	36,827	299,635	31,223
Iowa.....	23	177,008	1,064,123	61,008	25	130,671	762,519	64,809
Kansas.....	12	29,112	148,082	19,670	12	13,162	65,659	17,206
Kentucky.....	5	11,863	52,869	920	7	12,976	58,042	4,394
Missouri.....	10	27,247	148,950	7,541	10	16,727	82,756	8,593
Montana.....	5	5,030	46,090	1,929	5	7,205	72,049	2,856
Nebraska.....	5	21,817	113,431	6,096	5	14,732	85,016	6,507
New York.....	5	44,883	342,580	13,295	6	31,598	241,101	11,495
Ohio.....	45	263,219	1,250,008	93,638	47	138,258	923,397	72,715
Oklahoma.....	11	24,690	116,922	9,994	11	9,196	47,354	10,033
Oregon.....	10	13,853	94,680	3,371	11	8,618	76,457	3,559
Pennsylvania....	20	82,079	409,224	29,159	17	50,924	251,382	26,450
Tennessee.....	5	20,531	112,609	8,026	5	6,389	30,957	8,261
Texas.....	17	103,559	511,088	35,266	12	46,919	237,675	28,533
Utah.....	5	2,460	23,634	1,511	5	1,824	22,359	1,212
Washington.....	9	8,599	69,910	4,322	9	4,254	32,096	3,935
West Virginia...	11	73,009	392,344	10,230	11	60,036	294,901	8,324
Wyoming.....	3	2,421	21,659	207	3	2,752	24,494	804
Arizona.....	2				1			
Idaho.....	1				1			
Nevada.....	1	7,744	55,462	2,517	1	4,455	38,477	4,664
New Mexico.....	3				2			
Connecticut.....	1				1			
Massachusetts...	1	139,204	920,095	48,060	1	79,032	409,709	32,393
Michigan.....	4				5			
New Jersey.....	8				6			
Louisiana.....	1				1			
Maryland.....	3				3			
Mississippi.....	2	32,692	214,238	6,442	2	24,910	153,976	14,517
North Carolina..	3				2			
Virginia.....	4				4			
Minnesota.....	4				5			
North Dakota....	2	29,637	269,523	5,674	1	19,480	113,488	6,742
South Dakota....	1				1			
Wisconsin.....	2				4			

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand, by States: 1926 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	1936				1935			
	Number of establishments	Production		Stocks on hand Dec. 31	Number of establishments	Production		Stocks on hand Dec. 31
		Quantity	Value			Quantity	Value	
Hollow building tile (Continued):		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>
(b) Conduit:								
California.....	3	3,527	\$84,530	6,623	4	3,575	\$67,577	6,538
Colorado.....	1				1			
Illinois.....	1				1			
Indiana.....	2				1			
Minnesota.....	1				1			
Washington.....	1	20,595	190,029	20,937	1	15,729	124,326	23,813
Kentucky.....	1				1			
New Jersey.....	1				1			
North Carolina.....	1				4			
Ohio.....	3				1			
Pennsylvania.....	1				1			
Tennessee.....	1				1			
(c) Floor-arch, silo, and cornerrib tile; radial chimney blocks; fire-proofing tile:								
Iowa.....	8	29,254	203,893	7,835	6	16,827	119,497	4,050
Alabama.....	1	3,799	11,861	304	1	2,270	11,192	1,015
Arkansas.....	1				2			
North Carolina.....	1				1			
California.....	1				1			
Colorado.....	2				1			
Illinois.....	1	9,719	68,574	3,999	2	9,344	61,876	4,455
Indiana.....	1				1			
Kansas.....	3				4			
Minnesota.....	1				1			
Missouri.....	1				1			
North Dakota.....	1	30,236	146,361	11,978	1	23,081	121,281	18,299
Oklahoma.....	1				6			
Washington.....	1				3			
Maryland.....	1				2			
New Jersey.....	1							
Ohio.....	2				2			
Pennsylvania.....	2							
West Virginia.....	2							
Tile (other than hollow and drain):		<u>Squares (100 sq. ft.)</u>		<u>Squares (100 sq. ft.)</u>		<u>Squares (100 sq. ft.)</u>		<u>Squares (100 sq. ft.)</u>
(e) Roofing tile:								
California.....	21	92,122	763,351	27,488	25	68,619	407,282	25,740
Texas.....	5	5,116	36,111	4,562	3	3,859	21,266	8,867
Alabama.....	1				1			
Arizona.....	1				1			
Colorado.....	1				1			
Indiana.....	1				1			
Kansas.....	2				1			
Kentucky.....	1	114,045	1,406,322	54,162	1	62,444	716,886	40,162
Louisiana.....	1				1			
Minnesota.....	1				1			
New Mexico.....	2				1			
Ohio.....	2				1			
Pennsylvania.....	1				2			
Tennessee.....	1				2			
Utah.....	1				1			
Washington.....	4				2			

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	Number of establishments	1936		Stocks on hand Dec. 31	Number of establishments	1935		Stocks on hand Dec. 31
		Production				Production		
		Quantity	Value			Quantity	Value	
Tile (other than hollow and drain)—Continued:		Sq. ft.		Sq. ft.		Sq. ft.		Sq. ft.
(b) Floor tile (plain, vitreous, encaustic, quarry, etc.):								
California.....	18	615,805	\$143,809	585,214	19	391,671	\$109,792	403,595
Indiana.....	3	369,442	59,946	41,969	3	279,481	40,306	442,390
New Jersey.....	7	3,188,444	594,825	1,220,951	5	1,949,131	357,338	953,156
Colorado.....	2				2			
New Mexico.....	1				1			
Texas.....	1	95,160	19,029	87,707	-	53,106	10,375	92,568
Utah.....	1				-			
Washington.....	2				1			
Wyoming.....	1				1			
Florida.....	1				1			
Georgia.....	-				1	2,787,480	144,335	1,709,681
Kentucky.....	1				1			
Tennessee.....	1	3,709,327	186,746	950,855	2			
Iowa.....	-				1			
Minnesota.....	1				1	29,950	8,956	10,922
Wisconsin.....	1				1			
Massachusetts..	1				1			
New Hampshire..	1				-			
New York.....	1	4,339,228	720,789	973,306	1	2,063,832	412,669	1,090,384
Ohio.....	4				5			
Pennsylvania....	3				4			
West Virginia..	1				1			
(c) Ceramic mosaic (vitreous and semivitreous, unglazed):								
Ohio.....	4	3,674,618	793,247	1,246,132	5	2,436,961	467,461	1,032,047
Pennsylvania...	3	741,469	140,444	738,876	3	433,149	86,145	334,993
California.....	2				5			
Georgia.....	1				-			
Indiana.....	2				2			
New Jersey.....	2	4,168,545	886,048	1,591,120	3	3,546,193	763,679	1,667,643
New York.....	1				1			
West Virginia..	1				1			
Wisconsin.....	1				1			
(d) Enameled tile (bright, dull, matt, and semimatt finishes) and glazed ceramic mosaic:								
Ohio.....	4	10,245,883	2,704,290	1,984,041	5	6,651,557	1,795,713	1,780,127
California.....	5	3,378,637	1,498,558	539,553	3	53,918	24,338	35,682
Colorado.....	1				1			
Florida.....	1				1			
Indiana.....	2	2,985,985	1,037,350	852,082	2	2,785,792	899,424	1,087,142
Kentucky.....	1				1			
West Virginia..	1				1			
New Jersey.....	1				1			
New York.....	1	4,202,758	1,348,685	1,066,316	-	2,609,379	832,010	927,157
Pennsylvania....	2				2			

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	Number of estab- lish- ments	1 9 3 6		Stocks on hand Dec. 31	Number of estab- lish- ments	1 9 3 5		Stocks on hand Dec. 31
		Production				Production		
		Quantity	Value			Quantity	Value	
Tile (other than hollow and drain)—Continued:								
(e) Faience tile (including hand-decorated tile):		<u>Sq. ft.</u>		<u>Sq. ft.</u>		<u>Sq. ft.</u>		<u>Sq. ft.</u>
California.....	7	556,715	\$184,532	221,965	9	296,136	\$134,441	161,439
New Jersey.....	4	35,035	43,677	206,373	4	27,312	26,091	215,058
Kentucky.....	-				1			
Texas.....	2	23,207	11,169	30,541	1	23,431	12,026	24,824
Washington.....	2				1			
Wisconsin.....	1				1			
Michigan.....	1				1			
Ohio.....	2	148,345	163,660	105,203	4	177,440	138,258	132,183
Pennsylvania...	1				1			
(f) Wall tile (white and bright-glazed), including trim:								
California.....	7	1,303,286	328,491	105,739	8	2,964,260	1,154,294	305,353
Ohio.....	4	3,102,435	724,994	769,477	6	2,658,325	664,999	855,966
Georgia.....	1				1			
New Jersey.....	3	6,596,402	1,519,053	1,098,901	4	4,273,206	1,033,784	684,825
Pennsylvania...	2				2			
West Virginia..	1				2			
Illinois.....	1				1			
Indiana.....	3				2			
Kentucky.....	-	2,092,741	638,990	354,555	1	808,955	227,652	322,301
Washington.....	1				-			
Wisconsin.....	1				1			
Vitrified brick and plates:								
(a) For paving:		<u>Thousands</u>		<u>Thousands</u>		<u>Thousands</u>		<u>Thousands</u>
Illinois.....	6	12,263	244,235	3,346	9	7,638	142,369	4,275
Ohio.....	17	37,122	894,453	33,097	17	38,326	1,011,815	35,690
Pennsylvania...	9	8,033	203,866	8,287	8	10,208	257,841	8,487
West Virginia..	3	2,803	67,971	1,394	5	768	18,095	3,045
Alabama.....	1				1			
Georgia.....	2				2			
Iowa.....	2	2,239	38,264	4,774	3	1,853	36,126	6,778
Missouri.....	1				2			
Tennessee.....	1				1			
California.....	2				5			
Colorado.....	1				1			
Kansas.....	5	5,487	112,683	2,307	7	6,143	101,533	5,649
Oklahoma.....	4				4			
Texas.....	2				2			
Washington.....	1				1			
Indiana.....	4				3			
Maryland.....	1	11,096	306,818	3,482	1	6,864	156,223	3,417
Massachusetts..	-				1			
New York.....	1				1			
(b) Sewer liners:								
Ohio.....	6	<u>Short tons</u> 6,333	56,181	<u>Short tons</u> 3,513	7	<u>Short tons</u> 2,615	29,034	<u>Short tons</u> 5,146
California.....	-				2			
Illinois.....	1				1			
Kansas.....	-				1			
Minnesota.....	2	3,545	56,815	943	1	2,514	46,116	1,383
North Carolina.	-				1			
Pennsylvania...	1				1			
Texas.....	1				-			

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand, by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	Number of establishments	1936		Stocks on hand Dec. 31	Number of establishments	1935		Stocks on hand Dec. 31
		Production				Production		
		Quantity	Value			Quantity	Value	
Vitrified brick and plates (Continued): (c) For other purposes:		Thousands		Thousands		Thousands		Thousands
Ohio.....	10	8,121	\$129,398	9,666	13	7,035	\$98,420	15,468
Alabama.....	1				1			
New York.....	1				1			
North Carolina.....	-	1,344	21,756	339	1	1,401	34,796	1,048
Tennessee.....	-				1			
West Virginia..	1				1			
California.....	4			429	-			
Colorado.....	1	5,303	109,207		1			
Illinois.....	3				5			
Indiana.....	2				2	3,016	38,075	6,704
Missouri.....	1	3,401	47,953	3,991	-			
New Jersey.....	1				-			
Pennsylvania...	2				2			
Drain tile:								
(a) Vitrified (underdrain):		Short tons		Short tons		Short tons		Short tons
California.....	3	1,186	23,530	355	4	565	10,525	343
Colorado.....	4	1,225	12,001	868	3	666	5,860	821
Illinois.....	5	1,964	22,026	1,068	6	1,365	14,748	2,685
Iowa.....	13	19,518	148,796	13,479	15	12,896	109,326	13,096
Kentucky.....	3	1,781	15,621	482	4	2,007	19,802	529
Michigan.....	3	14,624	138,023	961	3	14,325	120,705	1,445
Missouri.....	7	1,958	16,665	1,627	7	2,080	21,557	1,459
Ohio.....	15	98,831	656,179	19,134	18	64,260	473,231	38,339
Alabama.....	1				1			
Arkansas.....	2				2			
Mississippi....	1				-			
Oklahoma.....	1	2,653	18,730	1,256	2	2,434	17,077	1,398
Tennessee.....	1				-			
Texas.....	3				3			
District of Columbia.....	1				1			
Georgia.....	1	3,978	46,013	809	-	3,156	34,339	775
North Carolina..	2				2			
South Carolina..	1				1			
Indiana.....	5				2			
Kansas.....	4				3			
Minnesota.....	1	5,231	52,840	2,322	2	2,776	30,022	1,121
New York.....	-				1			
South Dakota....	1				-			
Oregon.....	3				-			
Utah.....	2				2			
Washington.....	4	4,601	48,510	2,210	1	1,914	28,221	733
Wyoming.....	1				1			
(b) Unvitrified:								
California.....	13	3,481	60,017	4,048	14	3,292	50,271	3,902
Illinois.....	23	50,299	341,430	15,488	18	44,307	285,167	17,086
Indiana.....	19	34,768	223,466	15,151	22	24,040	162,373	13,402
Iowa.....	14	24,336	182,765	5,273	11	22,134	161,156	5,082
Kentucky.....	4	1,656	10,536	638	7	2,585	14,626	1,961
Michigan.....	3	1,960	13,913	457	3	1,511	11,405	7,100
Missouri.....	6	2,140	18,407	1,105	4	755	6,354	532
Ohio.....	34	34,165	234,181	14,306	30	29,363	178,064	17,230
Oregon.....	7	3,495	27,196	1,217	9	4,997	44,234	1,132
Washington.....	7	2,915	27,210	1,403	7	2,423	26,243	1,143
Alabama.....	2				1			
Georgia.....	2				2			
Mississippi....	1	8,096	60,883	2,022	2	5,242	43,484	1,558
Tennessee.....	2				3			

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	Number of establishments	1936		Stocks on hand Dec. 31	Number of establishments	1935		Stocks on hand Dec. 31
		Production				Production		
		Quantity	Value			Quantity	Value	
Drain tile:								
(b) Unvitriified (Continued):		Short tons		Short tons		Short tons		Short tons
Arkansas.....	1	2,978	\$22,856	1,599	1	2,203	\$20,363	1,019
Texas.....	4							
Colorado.....	1							
Idaho.....	1							
New Mexico.....	1	212	3,357	262	1	620	7,882	648
Utah.....	1				1			
District of Columbia.....	1				1			
Maryland.....	1	934	13,010	625	1	1,165	16,350	10,104
Virginia.....	1							
West Virginia..	1							
Kansas.....	1							
Minnesota.....	3				1			
Nebraska.....	1	5,536	37,975	2,162	3	7,212	64,161	2,707
South Dakota...	-							
Wisconsin.....	3							
New Jersey.....	2							
New York.....	5	3,912	33,655	1,348	3	2,870	24,024	771
Pennsylvania...	2							
Sewer pipe:								
California.....	8	62,747	1,503,347	34,852	12	35,965	869,211	38,315
Georgia.....	3	26,017	287,211	12,130	3	18,821	294,045	10,962
Illinois.....	3	22,760	321,293	6,705	4	19,471	295,478	13,419
Indiana.....	6	50,405	619,316	10,870	5	27,364	296,517	8,402
Iowa.....	3	31,561	423,018	17,383	3	21,061	295,429	21,329
Kentucky.....	3	34,237	389,074	6,175	3	32,144	391,580	6,195
Missouri.....	4	61,496	886,254	34,902	3	27,035	445,628	19,568
Ohio.....	25	384,326	4,141,756	170,847	24	235,226	2,378,477	138,763
Pennsylvania...	5	147,859	1,613,073	50,973	5	128,073	1,238,248	27,285
Alabama.....	1				1			
North Carolina.	2	56,405	749,328	13,550	3	41,839	687,037	19,458
South Carolina.	1							
Colorado.....	2				2			
Texas.....	3				3			
Utah.....	3	62,004	871,387	28,691	2	41,078	691,865	31,522
Washington.....	3							
Wyoming.....	1				1			
District of Columbia.....	2	1,420	22,605	867	2	1,532	26,980	478
Virginia.....	1							
Kansas.....	1				1			
Maine.....	1	49,771	631,603	23,461	1	40,572	706,638	20,329
Michigan.....	1							
Minnesota.....	1				1			
Stove lining:								
Massachusetts..	3	2,745	102,188	1,032	3	2,688	107,779	1,147
Georgia.....	1							
Illinois.....	-				1	1,681	31,718	1,000
Kentucky.....	1							
Missouri.....	1				1			
Maryland.....	1	10,225	266,159	2,531	1	3,245	96,835	1,538
New York.....	2							
Ohio.....	4				3			
Pennsylvania...	3				2			
South Carolina.	1				1			

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	Number of establishments	1936		Stocks on hand Dec. 31	Number of establishments	1935		Stocks on hand Dec. 31
		Production				Production		
		Quantity	Value			Quantity	Value	
<hr/>								
Flue lining:		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>
California....	8	4,698	\$176,313	2,466	13	2,293	\$84,966	3,138
Illinois.....	4	3,502	44,485	1,674	5	1,989	29,421	924
Iowa.....	3	3,276	37,711	1,565	3	3,457	43,169	2,068
Ohio.....	23	52,726	546,785	11,347	22	37,099	346,771	7,699
Pennsylvania..	5	22,901	250,763	7,081	5	23,291	197,232	2,174
Alabama.....	1	8,068	75,535	3,672	1	8,694	121,147	3,107
Arkansas.....	1							
Georgia.....	2							
South Carolina	1							
Texas.....	3							
Colorado.....	2	3,670	87,499	1,341	2	2,085	57,218	1,357
Oregon.....	1							
Utah.....	2							
Washington....	3							
Wyoming.....	1							
District of Columbia....	2	3,766	56,638	1,255	2	3,241	61,075	2,228
Maine.....	1							
Indiana.....	4							
Kentucky.....	3							
Michigan.....	1							
Kansas.....	1	12,508	136,858	1,733	2	7,531	85,760	1,854
Minnesota....	1							
Missouri.....	4							
North Carolina	2							
Virginia.....	1							
Chimney pipe and tops:								
California....	7	3,641	93,135	1,699	9	1,902	58,365	1,899
Kentucky.....	3	537	6,252	119	3	479	6,979	55
Missouri.....	3	77	1,370	85	3	54	1,837	92
Ohio.....	14	2,295	24,303	1,030	10	986	9,998	688
Alabama.....	1	172	4,351	175	1	617	9,889	329
District of Columbia....	-							
Pennsylvania..	2							
South Carolina	-							
Colorado.....	-							
Kansas.....	1	86	2,285	57	2	82	2,462	160
Texas.....	2							
Washington....	1							
Illinois.....	1							
Indiana.....	2							
Wall coping:								
Illinois.....	3	393	5,948	202	4	301	5,055	288
Iowa.....	3	499	8,388	357	3	405	6,229	319
Ohio.....	20	10,739	114,094	2,987	17	6,714	99,533	1,813
Alabama.....	1	6,179	64,885	2,651	1	9,538	78,307	741
Georgia.....	1							
Kentucky.....	3							
North Carolina	2							
Pennsylvania..	4							
South Carolina	1	1,247	30,655	747	1	340	7,311	786
Arkansas.....	1							
California....	1							
Colorado.....	2							
Texas.....	2							
Utah.....	2							
Washington....	1							
Wyoming.....	1							

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand, by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	Number of estab- lish- ments	1 9 3 6		Stocks on hand Dec. 31	Number of estab- lish- ments	1 9 3 5		Stocks on hand Dec. 31
		Production				Production		
		Quantity	Value			Quantity	Value	
Wall coping (Con- tinued):		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>
Indiana.....	3 }	714	\$8,885	253	2 }	1,119	\$17,368	329
Michigan.....	1 }				1 }			
Kansas.....	1 }	1,012	16,939	807	1 }	677	13,194	416
Minnesota.....	1 }				1 }			
Missouri.....	4 }				3 }			
Segment blocks:								
California.....	1 }	11,251	136,977	8,465	- }	9,169	105,540	10,845
Colorado.....	1 }				1 }			
Georgia.....	- }				1 }			
Illinois.....	1 }				1 }			
Minnesota.....	1 }				1 }			
Missouri.....	2 }				2 }			
North Carolina..	- }				1 }			
Ohio.....	4 }				4 }			
Fire-clay products:								
(a) Brick, block, and tile, except high-alumina (9-inch equi- valent):		<u>Thousands</u>		<u>Thousands</u>		<u>Thousands</u>		<u>Thousands</u>
Alabama.....	4	13,549	480,912	2,982	4	10,777	381,590	3,666
California.....	17	18,741	903,967	32,234	23	15,396	739,750	32,337
Colorado.....	6	9,154	271,785	2,661	5	6,989	220,433	2,086
Illinois.....	4	9,566	326,101	3,259	4	9,166	305,667	2,590
Kentucky.....	10	52,129	2,422,484	19,728	11	33,338	1,541,428	19,066
Maryland.....	5	18,503	736,517	4,179	5	14,161	551,328	3,514
Missouri.....	12	122,741	5,741,980	27,958	12	101,650	4,339,023	29,016
New Jersey.....	9	10,201	509,864	2,512	6	7,569	373,833	2,865
Ohio.....	29	112,720	3,491,137	34,337	29	72,076	2,502,212	29,435
Pennsylvania....	43	216,964	10,191,651	54,307	46	157,926	6,834,023	58,270
Texas.....	6	6,199	197,418	2,344	4	2,397	68,542	564
Washington.....	3	3,415	169,740	396	3	3,460	175,647	913
Arkansas.....	1 }	5,100	149,907	1,131	1 }	2,976	84,103	1,075
Indiana.....	1 }				1 }			
Mississippi.....	- }				1 }			
Tennessee.....	2 }	2,537	101,383	443	2 }	2,102	115,556	99
Connecticut....	1 }				1 }			
Massachusetts...	2 }				2 }			
New York.....	2 }				2 }			
Florida.....	- }				1 }			
Georgia.....	4 }				5 }			
North Carolina..	- }				2 }			
South Carolina..	1 }	11,859	814,699	2,954	1 }	40,430	1,204,421	6,641
West Virginia...	2 }				4 }			
Idaho.....	1 }				1 }			
Montana.....	3 }				2 }			
Nevada.....	- }				1 }			
New Mexico.....	1 }				2 }			
North Dakota....	1 }				- }			
Oregon.....	1 }	1,121	60,436	1,424	1 }	1,296	60,035	899
Utah.....	1 }				1 }			
(b) High-alumina brick (over 40% Al ₂ O ₃):								
Missouri.....	9	4,942	591,275	1,848	8	3,894	476,294	2,032
Pennsylvania....	4	612	41,546	247	5	776	54,959	512
California.....	3 }	5,597	489,196	2,122	7 }	8,550	539,776	6,021
Illinois.....	2 }				2 }			
Ohio.....	3 }				4 }			
Washington.....	- }				1 }			

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Table 5.—Clay Products (other than Pottery)—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and Year	Number of estab- lish- ments	1936			Stocks on hand Dec. 31	Number of estab- lish- ments	1935		Stocks on hand Dec. 31	
		Production		Value			Production			Value
		Quantity					Quantity			
Fire-clay products (Continued):										
(c) Special shapes:		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>		
California.....	7	7,526	\$212,363	5,350	14	6,892	\$194,290	5,807		
Colorado.....	4	5,164	92,696	2,793	4	5,085	90,518	2,538		
Kentucky.....	5	26,475	860,387	9,147	5	24,219	442,556	8,425		
Missouri.....	8	53,070	1,198,535	23,282	8	34,123	743,967	14,950		
Ohio.....	10	25,244	407,042	4,651	8	29,969	609,907	5,456		
Pennsylvania....	14	69,149	1,444,565	9,850	13	22,046	602,523	9,385		
Arkansas.....	1									
Idaho.....	1									
North Dakota....	1									
Texas.....	-	7,871	129,270	1,322	1	6,369	97,335	2,272		
Utah.....	1									
Washington.....	2									
Georgia.....	2									
Illinois.....	2									
Indiana.....	-	17,509	564,229	6,363	1	10,781	267,938	4,988		
Maryland.....	1				2					
Michigan.....	1				1					
West Virginia...	1				-					
Massachusetts...	2				2					
New Jersey.....	2	4,783	273,754	1,342	3	6,616	214,585	1,128		
New York.....	2				3					
(d) Plastic fire- brick:										
Pennsylvania....	5	1,820	41,921	25						
Alabama.....	1									
Arkansas.....	1									
Georgia.....	1	12,671	460,982	1,197						
Mississippi.....	1									
Missouri.....	5									
South Carolina..	1									
California.....	5				(1)	(1)	(1)	(1)		
Colorado.....	2	1,181	32,628	142						
Washington.....	2									
Illinois.....	2									
Massachusetts...	1									
Michigan.....	1	22,696	562,823	872						
New Jersey.....	3									
Ohio.....	4									
Wisconsin.....	1									
(e) Ladle brick:		<u>Thousands</u>		<u>Thousands</u>		<u>Thousands</u>		<u>Thousands</u>		
Illinois.....	2									
Missouri.....	1									
Ohio.....	1	59,323	1,118,394	5,324	(1)	(1)	(1)	(1)		
Pennsylvania....	1									
West Virginia...	2									
Glass-house tank blocks, melting pots, stoppers, floaters, and rings:		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>		
California.....	3	6,492	428,137	3,525	2	5,557	378,075	4,465		
Missouri.....	2									
Indiana.....	3	10,047	1,140,291	3,489	3	9,696	1,136,058	3,871		
Kentucky.....	1				1					
Ohio.....	2	12,939	915,241	9,868	2	12,272	926,980	9,231		
Pennsylvania....	3				4					

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Table 5.—Clay Products (other than Pottery)—Number of Establishments, Production, by Kind, Quantity, and Value, and Stocks on Hand, by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	Number of establishments	1936		Stocks on hand Dec. 31	Number of establishments	1935		Stocks on hand Dec. 31						
		Production				Production								
		Quantity	Value			Quantity	Value							
Refractory cement:		Short tons		Short tons		Short tons		Short tons						
Illinois.....	5	889	\$68,574	94	3	168	\$7,902	22						
Missouri.....	7	15,166	662,357	3,224	7	10,575	522,715	1,125						
New Jersey.....	6	5,703	347,724	112	4	4,995	287,349	928						
New York.....	4	252	20,362	29	4	244	18,175	20						
Ohio.....	9	3,110	122,969	199	8	2,321	95,566	102						
Pennsylvania....	13	8,915	402,080	402	16	7,966	430,924	550						
Alabama.....	1	4,092	207,170	914	1	7,226	274,618	282						
Georgia.....	2													
Indiana.....	1													
Kentucky.....	1													
Maryland.....	3													
Massachusetts...	-													
Michigan.....	2													
Arkansas.....	1													
California.....	3													
Colorado.....	1													
Montana.....	2	3,328	109,261	101	1	3,410	97,596	201						
Texas.....	1	3,328	109,261	101	1	3,410	97,596	201						
Washington.....	2													
Clay sold, raw or prepared, including fire-clay dust:														
Alabama.....	5				6,035				23,870	---	5	3,019	18,707	---
California.....	18				9,062				79,155	---	20	10,125	67,358	---
Colorado.....	8				16,599				42,396	---	5	3,274	24,302	---
Iowa.....	5				2,965				28,783	---	8	4,753	29,825	---
Kentucky.....	9				12,178				82,679	---	5	4,339	31,127	---
Missouri.....	12				50,233				349,132	---	12	32,236	214,167	---
New Jersey.....	8				2,981				23,576	---	5	2,113	17,276	---
Ohio.....	20	39,908	129,436	---	21	42,879	149,042	---						
Pennsylvania....	36	81,669	456,268	---	29	52,916	315,878	---						
Arkansas.....	1	14,647	53,926	---	1	5,570	31,051	---						
Minnesota.....	1													
Nebraska.....	1													
North Dakota....	1													
Texas.....	6													
Connecticut.....	3													
Maine.....	1													
Massachusetts...	2													
New York.....	4													
Georgia.....	2													
Maryland.....	4	2,773	29,553	---	2,386	17,552	---							
Mississippi.....	1													
South Carolina..	2													
Tennessee.....	2													
Virginia.....	1													
West Virginia...	1													
Idaho.....	2													
Montana.....	1													
New Mexico.....	1													
Oregon.....	1													
Utah.....	3	3,457	28,546	---	3,601	22,496	---							
Washington.....	4	132,457	224,947	---	82,949	231,931	---							
Illinois.....	6													
Indiana.....	2													
Michigan.....	2													

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Table 5.--Clay Products (other than Pottery)--Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand, by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 4, above)

Kind and State	Number of estab- lish- ments	1 9 3 6		Stocks on hand Dec. 31	Number of estab- lish- ments	1 9 3 5		Stocks on hand Dec. 31		
		Production				Production				
		Quantity	Value			Quantity	Value			
Other clay prod- ucts:										
California.....	5	-----	\$40,264	-----	9	-----	\$64,208	-----		
Illinois.....	9	-----	370,075	-----	9	-----	330,135	-----		
Ohio.....	11	-----	1,994,719	-----	15	-----	1,235,792	-----		
Pennsylvania....	16	-----	945,078	-----	15	-----	1,099,144	-----		
Alabama.....	1	-----	96,283	-----	-	-----	76,845	-----		
Georgia.....	1				-					
Maryland.....	2				-					
Mississippi.....	1				1					
South Carolina..	-				1					
Tennessee.....	2				1					
Virginia.....	1				1					
Arkansas.....	-				1					
Colorado.....	2				3					
New Mexico.....	1				-		164,934	-----		
Oklahoma.....	1	-----	169,942	-----	-	-----				
Texas.....	4	-----	267,512	-----	2	-----				
Utah.....	1				1					
Indiana.....	2				1					
Iowa.....	1				1					
Kansas.....	1				1					
Michigan.....	-				1	378,142	-----			
Minnesota.....	-				1					
Missouri.....	2				3					
Nebraska.....	-				1					
Wisconsin.....	-				3					
Maine.....	-	-----	77,690	-----	1	-----	225,021	-----		
Massachusetts...	1				1					
New Jersey.....	4				5					
New York.....	1				2					

1/ No data.

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POTTERY

VALUE OF PRINCIPAL PRODUCTS, 1913 to 1936

MILLIONS OF DOLLARS

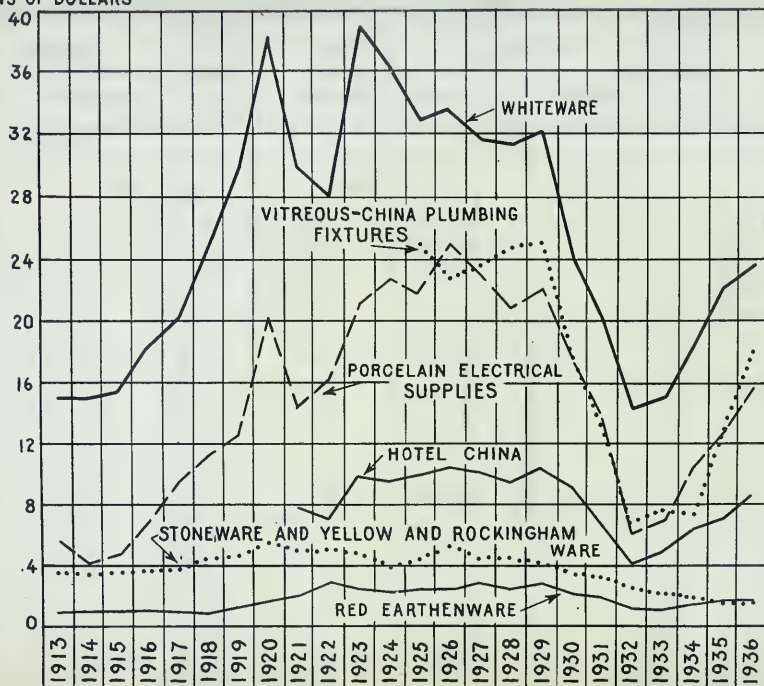


Table 6.—Pottery—Value of Principal Products: 1913 to 1936

Year	Red earthenware	Stoneware (except chemical) and yellow and Rockingham ware	Whiteware, including cream-color, white granite, semiporcelain, and semi-vitreous porcelain ware	Hotel china	Vitreous-china plumbing fixtures	Porcelain electrical supplies
1913	\$1,805,470	\$1,637,224	\$22,735,469	\$8,675,799	\$18,052,618	\$15,798,134
1914	1,795,144	1,677,232	22,164,328	7,197,700	12,969,481	12,751,034
1915	1,578,936	1,811,052	18,327,364	6,500,751	7,278,619	10,451,126
1916	1,207,396	2,221,696	15,005,178	5,007,669	7,709,353	7,055,580
1917	1,238,109	2,515,578	14,324,712	4,219,926	6,861,047	6,104,028
1918	2,054,299	3,299,270	20,108,359	6,594,495	12,894,277	13,154,077
1919	2,218,580	3,486,417	24,194,055	9,181,677	17,646,927	17,165,419
1920	2,798,161	4,144,056	32,066,498	10,476,285	24,992,047	22,135,474
1921	2,618,078	4,421,091	31,454,506	9,251,243	24,566,102	20,812,337
1922	2,850,428	4,503,079	31,692,083	10,019,528	23,627,594	22,860,678
1923	2,635,909	5,311,123	33,563,570	10,382,279	22,875,604	24,867,688
1924	2,631,867	4,349,517	32,815,622	9,866,975	25,035,715	21,826,971
1925	2,515,199	3,960,789	36,277,578	9,506,330	(1)	22,893,197
1926	2,458,226	4,746,435	38,695,807	9,761,187	(1)	21,248,382
1927	2,995,185	4,958,885	28,080,721	6,965,834	(1)	16,128,913
1928	2,029,941	4,920,578	29,744,343	7,888,191	(1)	14,330,984
1929	1,766,919	5,475,660	38,323,880	(1)	(1)	20,218,924
1930	1,298,311	4,803,018	29,847,261	(1)	(1)	12,614,794
1931	906,861	4,454,164	25,305,926	(1)	(1)	11,194,812
1932	1,065,185	3,865,825	20,920,469	(1)	(1)	9,451,586
1933	1,156,351	3,696,288	18,191,590	(1)	(1)	7,034,420
1934	1,072,061	3,575,603	15,324,242	(1)	(1)	4,671,202
1935	1,059,904	3,349,301	14,968,079	(1)	(1)	4,130,270
1936	1,000,529	3,683,567	15,066,811	(1)	(1)	5,737,741

20 1/ No data.

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Table 7.—Pottery—Number of Establishments; and Production, by Kind, Quantity, and Value: for the United States: 1936, 1935, and 1934

Kind and Year	Number of establishments (1)	Quantity	Value	Kind and Year	Number of establishments (1)	Quantity	Value
TOTAL:							
1936.....	508	-----	\$81,520,959	Semivitreous or porcelain (all-clay) plumbing fixtures (exclusive of fittings):			
1935.....	501	-----	68,283,461	Total:			
1934.....	295	-----	52,556,027	1936.....	5	-----	\$442,078
Vitreous-china plumbing fixtures (exclusive of fittings):				1935.....	6	-----	513,195
Total:				1934.....	10	-----	451,216
1936.....	38	-----	18,052,618	(a) Laundry tubs and kitchen sinks:		Number	
1935.....	37	-----	12,969,481	1936.....	4	24,227	254,186
1934.....	54	-----	7,278,619	1935.....	3	(3)	(3)
(a) Bathroom and toilet fixtures:		Number		1934.....	3	13,770	121,944
Closet bowls:				(b) Other semivitreous fixtures:			
Siphon jets:				1936.....	5	-----	187,892
1936.....	19	135,007	1,095,248	1935.....	6	-----	(3)
1935.....	18	89,460	606,631	1934.....	9	-----	329,272
1934.....	17	75,254	526,206	Pyrometric cones:			
Washdowns:				1936.....	3	7,969,720	60,362
1936.....	21	1,108,458	3,970,695	1935.....	(2)	(2)	(2)
1935.....	22	1,019,051	3,245,894	1934.....	(2)	(2)	(2)
1934.....	25	486,384	1,690,840	Red earthenware:			
Reverse traps:				1936.....	87	-----	1,805,470
1936.....	16	215,619	1,178,947	1935.....	76	-----	1,795,144
1935.....	17	151,198	706,368	1934.....	85	-----	1,378,926
1934.....	17	60,027	290,380	Stoneware (except chemical) and yellow and Rockingham ware:			
Flush tanks:				1936.....	59	-----	1,637,224
Lowdown (large and small):				1935.....	55	-----	1,677,232
1936.....	22	1,226,503	5,512,632	1934.....	59	-----	1,811,052
1935.....	21	1,072,267	4,233,516	Chemical stoneware:			
1934.....	24	515,175	2,221,780	1936.....	5	-----	1,038,201
All other:				1935.....	5	-----	617,042
1936.....	7	7,508	36,886	1934.....	5	-----	615,179
1935.....	5	4,812	20,516	White ware, including cream color, white granite, semi-porcelain, and semi-vitreous porcelain ware:			
1934.....	6	2,932	24,618	1936.....	37	-----	23,735,469
Lavatories:				1935.....	41	-----	22,164,328
1936.....	17	256,199	2,424,243	1934.....	41	-----	18,527,564
1935.....	16	157,710	1,613,114				
1934.....	17	93,568	1,028,606				
Stalls:							
1936.....	13	33,504	847,315				
1935.....	11	17,432	465,627				
1934.....	(2)	(2)	(2)				
Other bathroom and toilet fixtures:							
1936.....	22	-----	1,912,809				
1935.....	22	-----	1,481,421				
1934.....	21	-----	1,139,853				
(b) Other vitreous-china fixtures:							
1936.....	15	-----	1,073,843				
1935.....	15	-----	596,394				
1934.....	13	-----	356,336				

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Table 7.—Pottery—Number of Establishments; and Production, by Kind, Quantity, and Value; for the United States: 1936, 1935, and 1934 (Continued)

Kind and Year	Number of establishments (1)	Quantity	Value	Kind and Year	Number of establishments (1)	Quantity	Value
Hotel china:				Porcelain			
1936.....	20	-----	\$8,675,799	electrical			
1935.....	25	-----	7,197,700	supplies			
1934.....	22	-----	6,500,751	(Continued):			
Porcelain elec-				(b) Other			
trical supplies:				electrical			
Total:				supplies:			
1936.....	47	-----	4/15,798,134	1936....	42	-----	\$11,285,070
1935.....	47	-----	4/12,751,034	1935....	36	-----	9,042,719
1934.....	46	-----	10,451,126	1934....	42	-----	7,430,564
(a) Insulators:				Garden pottery:			
Total:				1936....	20	-----	249,896
1936.....	20	-----	4,515,064	1935....	20	-----	397,662
1935.....	22	-----	3,708,315	1934....	14	-----	94,382
1934.....	17	-----	3,020,562	Art pottery:			
Pin type:				1936....	65	-----	3,135,112
Up to, but				1935....	63	-----	2,662,407
not including,				1934....	52	-----	1,846,325
7,500 volts:				Gas and			
1936.....	13	-----	460,889	electric			
1935.....	16	-----	642,347	logs:			
1934.....	12	-----	279,507	1936....	4	-----	46,687
7,500 volts				1935....	4	-----	(3)
to, but not				1934....	7	-----	(3)
including,				Gas radiants			
17,000 volts:				and back-			
1936.....	11	-----	270,901	walls used			
1935.....	11	-----	202,265	in portable			
1934.....	11	-----	153,302	stoves:			
17,000 volts				1936....	5	-----	682,580
to, but not				1935....	6	-----	428,300
including,				1934....	(2)	-----	(2)
45,000 volts:				Saggers:			
1936.....	11	-----	478,754	1936....	47	-----	316,898
1935.....	11	-----	350,917	1935....	49	-----	424,064
1934.....	10	-----	233,807	1934....	50	-----	356,485
45,000 volts				Other pottery			
and over:				products:			
1936.....	11	-----	523,397	1936....	45	-----	5,644,431
1935.....	11	-----	353,401	1935....	53	-----	4,685,872
1934.....	10	-----	240,432	1934....	34	-----	3,444,592
Suspension							
type:							
1936.....	12	-----	1,733,424				
1935.....	11	-----	910,131				
1934.....	11	-----	1,630,926				
Knobs, tubes,							
and clats:							
1936.....	11	-----	1,047,699				
1935.....	15	-----	1,249,254				
1934.....	9	-----	482,588				

1/ The totals in this column do not equal the sums of the individual items, for the reason that in some cases two or more of the products named are manufactured by the same establishment.

2/ No data.

3/ Withheld to avoid disclosing approximations of data for individual establishments; value included in figure for "Other pottery products."

4/ Includes value of metal fittings, as follows: 1936, \$1,051,891; 1935, \$1,039,435.

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Table 8.—Pottery—Number of Establishments, and Production, by Kind, Quantity, and Value;
by States: 1936 and 1935
(For totals for United States, see Table 7, above)

Kind and State	1 9 3 6			1 9 3 5		
	Number of estab- lish- ments	Quantity	Value	Number of estab- lish- ments	Quantity	Value
Vitreous-china plumbing fixtures (exclusive of fittings):		<u>Number</u>			<u>Number</u>	
(a) Bathroom and toilet fixtures:						
Closet bowls:						
Siphon jets:						
California.....	2	37,279	\$295,863	2	24,286	\$166,195
Illinois.....	3			3		
Indiana.....	2			2		
Wisconsin.....	1			1		
New Jersey.....	5	97,728	799,385	4	65,174	440,436
Ohio.....	2			2		
Pennsylvania....	2			2		
West Virginia...	2			2		
Washdowns:						
Illinois.....	3	91,200	271,158	3	73,261	233,423
New Jersey.....	7	271,017	1,037,605	7	262,011	860,656
California.....	2	356,584	1,703,697	2	375,195	1,203,307
Indiana.....	2			2		
Wisconsin.....	1			1		
Maryland.....	1			1		
Ohio.....	3	389,657	1,358,239	3	308,584	948,498
Pennsylvania....	2			2		
West Virginia...	1			1		
Reverse traps:						
California.....	2	117,511	609,189	2	63,805	320,748
Illinois.....	3			3		
Indiana.....	1			2		
Wisconsin.....	1			1		
New Jersey.....	3	98,108	569,758	4	87,397	385,620
Ohio.....	3			2		
Pennsylvania....	2			2		
West Virginia...	1			1		
Flush tanks:						
Lowdown (large and small):						
Illinois.....	3	114,164	452,447	3	97,670	465,270
New Jersey.....	7	271,214	1,224,476	6	243,741	938,068
California.....	2	428,714	1,996,384	2	377,340	1,602,977
Indiana.....	2			2		
Wisconsin.....	1			1		
Maryland.....	1			1		
Ohio.....	3	412,311	1,839,325	3	353,516	1,226,201
Pennsylvania....	2			2		
West Virginia...	1			1		
All other:						
California.....	1	7,508	36,886	1	4,812	20,516
New Jersey.....	3			3		
Ohio.....	2			1		
Pennsylvania....	1			-		
Lavatories:						
California.....	2	81,295	803,818	2	51,603	581,675
Illinois.....	3			3		
Indiana.....	1			1		
Wisconsin.....	1			1		
New Jersey.....	5	154,904	1,620,425	5	106,107	1,031,439
Ohio.....	2			2		
Pennsylvania....	2			2		
West Virginia...	1			-		

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Table 8.—Pottery—Number of Establishments; and Production, by Kind, Quantity, and Value;
by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 7, above)

Kind and State	1 9 3 6			1 9 3 5		
	Number of estab- lish- ments	Quantity	Value	Number of estab- lish- ments	Quantity	Value
(a) Bathroom and toilet fixtures (Continued)		<u>Number</u>			<u>Number</u>	
Stalls:						
New Jersey.....	5	16,475	\$400,894	3		
California.....	2			2		
Illinois.....	1			1		
Indiana.....	1			1		
Ohio.....	2	17,029	446,421	2	17,422	\$465,627
Pennsylvania....	1			1		
Wisconsin.....	1			1		
Other bathroom and toilet fixtures:						
New Jersey.....	10	-----	1,026,006	11	-----	875,870
California.....	5			3		
Illinois.....	1			1		
Indiana.....	1			1		
Ohio.....	2		886,802	2		605,551
Pennsylvania....	2			2		
West Virginia...	-			1		
Wisconsin.....	1			1		
(b) Other vitreous- china fixtures:						
New Jersey.....	8	-----	792,050	7	-----	262,645
California.....	1			2		
Illinois.....	2			2		
Indiana.....	1			1		
Ohio.....	1		281,792	1		222,749
Pennsylvania....	1			1		
West Virginia...	-			1		
Wisconsin.....	1			-		
Semivitreous or porcelain (all-clay) plumbing fix- tures (exclusive of fittings):						
(a) Laundry tubs and kitchen sinks:						
New Jersey.....	2		254,186	2	(1)	(1)
Pennsylvania....	1	24,227		1		
(b) Other semivitreous fixtures:						
New Jersey.....	3		187,892	4		(1)
Pennsylvania....	2	-----		2	-----	
Pyrometric cones:						
Ohio.....	2		60,262	(2)	(2)	(2)
West Virginia...	1	7,969,720		(2)		
Red earthenware:						
California.....	6	-----	128,162	7	-----	104,820
Georgia.....	8	-----	11,680	3	-----	7,300
Illinois.....	4	-----	159,598	4	-----	151,852
New Jersey.....	4	-----	72,382	5	-----	76,860
New York.....	4	-----	115,187	4	-----	110,640
Ohio.....	10	-----	207,415	11	-----	327,486
Pennsylvania....	6	-----	296,842	6	-----	270,098
Texas.....	5	-----	29,224	3	-----	30,840

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Table 8.—Pottery—Number of Establishments, and Production, by Kind, Quantity, and Value;
by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 7, above)

Kind and State	Number of estab- lish- ments	1 9 3 6		Number of estab- lish- ments	1 9 3 5	
		Quantity	Value		Quantity	Value
Red earthenware (Con- tinued):						
Alabama.....	2	-----	\$66,698	2	-----	\$57,499
Florida.....	1			2		
Kentucky.....	1			1		
Mississippi.....	2			1		
Tennessee.....	1			1		
Colorado.....	1	-----	52,607	1	-----	40,566
Oregon.....	2			1		
Utah.....	1			1		
Washington.....	3			2		
Connecticut.....	2	-----	333,248	2	-----	290,176
District of Columbia.....	1			1		
Maryland.....	1			1		
Massachusetts...	1			1		
Indiana.....	2	-----	111,529	1	-----	113,224
Michigan.....	2			2		
Wisconsin.....	2			1		
Iowa.....	1			1		
Kansas.....	1	-----	87,245	1	-----	89,438
Minnesota.....	1			1		
Missouri.....	3			2		
Nebraska.....	1			1		
North Carolina..	3	-----	22,542	3	-----	24,345
South Carolina..	3			2		
Virginia.....	2			2		
Stoneware (except chemi- cal) and yellow and Rockingham ware:						
Alabama.....	3	-----	3,240	-	-----	-----
California.....	5	-----	103,501	6	-----	107,477
Mississippi.....	5	-----	6,141	7	-----	12,550
Ohio.....	10	-----	547,894	12	-----	620,502
Texas.....	5	-----	51,525	4	-----	50,670
Arkansas.....	2	-----	100,507	1	-----	68,602
Kentucky.....	3			3		
Tennessee.....	1			-		
Florida.....	-			1		
Georgia.....	5	-----	7,585	2	-----	9,175
North Carolina..	3			2		
South Carolina..	2			1		
Illinois.....	4			4		
Minnesota.....	1	-----	532,159	1	-----	541,036
Missouri.....	1			-		
Indiana.....	3			5		
Massachusetts...	1			1		
Pennsylvania....	2	-----	239,592	2	-----	214,190
West Virginia...	-			1		
Kansas.....	1			1		
Oregon.....	1			1		
Washington.....	1	-----	45,079	1	-----	53,030
				1		

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Table 8.—Pottery—Number of Establishments; and Production, by Kind, Quantity, and Value;
by States: 1926 and 1935 (Continued)
(For totals for United States, see Table 7, above)

Kind and State	1936			1935		
	Number of estab- lish- ments	Quantity	Value	Number of estab- lish- ments	Quantity	Value
Chemical stoneware:						
Massachusetts....	1	-----	\$1,038,201	1	-----	\$617,042
New Jersey.....	1			1		
Ohio.....	2			2		
Tennessee.....	1			1		
White ware, including cream color, white granite, semiporcelain, and semivitreous porce- lain ware:						
California.....	5	-----	1,377,117	4	-----	781,996
Ohio.....	16	-----	8,012,085	18	-----	8,527,183
West Virginia...	6	-----	9,358,961	7	-----	8,801,450
Colorado.....	1	-----	4,987,306	1	-----	4,053,699
Illinois.....	1			1		
Indiana.....	1			1		
Maryland.....	-			1		
Michigan.....	1			1		
New Jersey.....	-			1		
New York.....	2			2		
Pennsylvania....	2			2		
Tennessee.....	1			1		
Virginia.....	1			1		
Hotel china:						
Ohio.....	5	-----	1,073,079	7	-----	904,649
Pennsylvania....	3	-----	2,212,463	3	-----	1,767,525
West Virginia...	4	-----	1,361,901	4	-----	1,206,459
California.....	2	-----	4,028,356	2	-----	3,519,067
Colorado.....	1			1		
New Jersey.....	1			2		
New York.....	4			4		
Porcelain electrical supplies:						
(a) Insulators:						
Pin type:						
Up to, but not in- cluding, 7,500 volts:						
California.....	2	-----	460,889	2	-----	642,347
Connecticut.....	1			1		
Illinois.....	1			1		
Maryland.....	1			1		
New Jersey.....	-			2		
New York.....	3			2		
Ohio.....	2			3		
Pennsylvania....	1			1		
Tennessee.....	1			1		
West Virginia...	1			2		
7,500 volts to, but not including, 17,000 volts:						
California.....	1	-----	270,901	1	-----	202,265
Connecticut.....	1			1		
Illinois.....	1			1		
Maryland.....	1			1		
New York.....	3			2		
Ohio.....	2			2		
Pennsylvania....	-			1		
West Virginia...	2			2		

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**Table 8.—Pottery—Number of Establishments and Production, by Kind, Quantity, and Value;
by States: 1936 and 1935 (Continued)**
(For totals for United States, see Table 7, above)

Kind and State	1936			1935		
	Number of estab- lish- ments	Quantity	Value	Number of estab- lish- ments	Quantity	Value
(a) Insulators (Con- tinued):						
Pin type (Con- tinued):						
17,000 volts to, but not includ- ing, 45,000 volts:						
California....	1	-----	\$478,754	1	-----	\$350,917
Connecticut...	1			1		
Illinois.....	1			1		
Maryland.....	1			1		
New York.....	3			2		
Ohio.....	2			2		
Pennsylvania..	-			1		
West Virginia.	2			2		
45,000 volts and over:						
California....	1	-----	523,397	1	-----	353,401
Connecticut...	1			1		
Illinois.....	1			1		
Maryland.....	1			1		
New York.....	3			2		
Ohio.....	2			2		
Pennsylvania..	-			1		
West Virginia.	2			2		
Suspension type:						
California....	1	-----	1,733,424	1	-----	910,131
Connecticut...	1			1		
Illinois.....	1			1		
Maryland.....	1			1		
New York.....	3			2		
Ohio.....	2			3		
Pennsylvania..	1			1		
West Virginia.	2			1		
Knobs, tubes, and cleats:						
California....	-	-----	1,047,699	2	-----	1,249,254
Connecticut...	1			1		
Illinois.....	1			1		
New Jersey....	1			1		
New York.....	-			1		
Ohio.....	4			3		
Pennsylvania..	-			1		
Tennessee.....	1			1		
West Virginia.	3			4		
(b) Other electrical supplies:						
New Jersey....	14	-----	3,368,953	9	-----	2,066,504
Ohio.....	5	-----	1,583,654	6	-----	1,219,677
California....	4	-----	590,576	3	-----	559,055
Tennessee.....	1			1		
Connecticut...	1	-----	728,547	1	-----	1,273,669
New York.....	3			3		
Illinois.....	1	-----	2,256,031	1	-----	1,794,613
Indiana.....	1			1		
Michigan.....	1			1		
Wisconsin.....	1			1		
Maryland.....	1	-----	2,755,309	1	-----	2,129,201
Pennsylvania..	5			5		
West Virginia.	4			3		

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Table 8.—Pottery—Number of Establishments; and Production, by Kind, Quantity, and Value;
by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 7, above)

Kind and State	1936			1935		
	Number of estab- lish- ments	Quantity	Value	Number of estab- lish- ments	Quantity	Value
Garden pottery:						
Ohio.....	6	-----	\$101,689	6	-----	\$150,975
Alabama.....	1	-----	148,207	1	-----	246,689
Arkansas.....	-			1		
California.....	4			5		
Florida.....	1			2		
Georgia.....	2			-		
Illinois.....	-			1		
Iowa.....	2			1		
Kentucky.....	-			1		
North Carolina.....	-			1		
Pennsylvania.....	1			-		
Texas.....	2			1		
Washington.....	1			-		
Art pottery:						
California.....	11	-----	764,723	15	-----	830,720
Georgia.....	5	-----	3,875	-	-----	-----
Ohio.....	11	-----	1,210,970	13	-----	861,714
Alabama.....	2	-----	189,599	1	-----	208,243
Arkansas.....	2			3		
Florida.....	-			1		
Kentucky.....	3			2		
Mississippi.....	2			-		
North Carolina.....	6			5		
West Virginia.....	2			1		
Colorado.....	2			1		
Oklahoma.....	1			1		
Oregon.....	-			1		
South Dakota.....	1	-----	71,229	-	-----	40,016
Texas.....	2			2		
Washington.....	2			1		
Illinois.....	3			2		
Indiana.....	1			1		
Iowa.....	1			3		
Michigan.....	1			2		
Minnesota.....	1			1		
Wisconsin.....	1			1		
Massachusetts.....	1			-		
New Jersey.....	2	-----	321,562	3	-----	337,946
New York.....	1			1		
Pennsylvania.....	1			2		
Gas and electric logs:						
Illinois.....	1	-----	46,687	1	-----	(3)
Kentucky.....	1			1		
New Jersey.....	1			1		
Pennsylvania.....	1			1		
Gas radiants and backwalls used in portable stoves:						
Alabama.....	1	-----	682,580	1	-----	428,500
California.....	-			1		
New Jersey.....	1			1		
Ohio.....	3			3		

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Table 8.—Pottery—Number of Establishments; and Production, by Kind, Quantity, and Value;
by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 7, above)

Kind and State	1936			1935		
	Number of estab- lish- ments	Quantity	Value	Number of estab- lish- ments	Quantity	Value
Saggers:						
California.....	4	-----	\$5,329	3	-----	\$15,582
New Jersey.....	7	-----	23,676	9	-----	44,482
New York.....	3	-----	52,350	4	-----	50,272
Ohio.....	15	-----	91,765	13	-----	105,685
Pennsylvania.....	4	-----	32,461	5	-----	54,579
Colorado.....	1	-----	111,317	1	-----	153,464
Florida.....	-			1		
Georgia.....	1			-		
Illinois.....	3			3		
Indiana.....	2			2		
Kentucky.....	1			2		
Maryland.....	-			1		
Michigan.....	2			1		
Mississippi.....	1			-		
North Carolina.....	1			-		
West Virginia.....	2			4		
Other pottery products:						
California.....	3	-----	394,723	4	-----	258,529
New Jersey.....	8	-----	1,111,804	9	-----	930,239
Ohio.....	14	-----	2,974,895	15	-----	2,591,862
Alabama.....	2	-----	1,163,009	1	-----	905,242
Colorado.....	2			2		
Connecticut.....	1			1		
Florida.....	-			2		
Georgia.....	4			-		
Illinois.....	2			2		
Indiana.....	-			1		
Kentucky.....	-			1		
Louisiana.....	1			1		
Maryland.....	1			1		
Michigan.....	1			1		
Mississippi.....	1			1		
New York.....	-			1		
North Carolina.....	-			1		
Pennsylvania.....	2			3		
Tennessee.....	1			1		
Texas.....	2			2		
Washington.....	-			2		
West Virginia.....	-			1		

1/ Withheld to avoid disclosing approximations of data for individual establishments.

2/ No data.

3/ Withheld to avoid disclosing approximations of data for individual establishments; included in figures for "Other pottery products."

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VALUE OF PRODUCTS, 1913 to 1936

MILLIONS OF DOLLARS

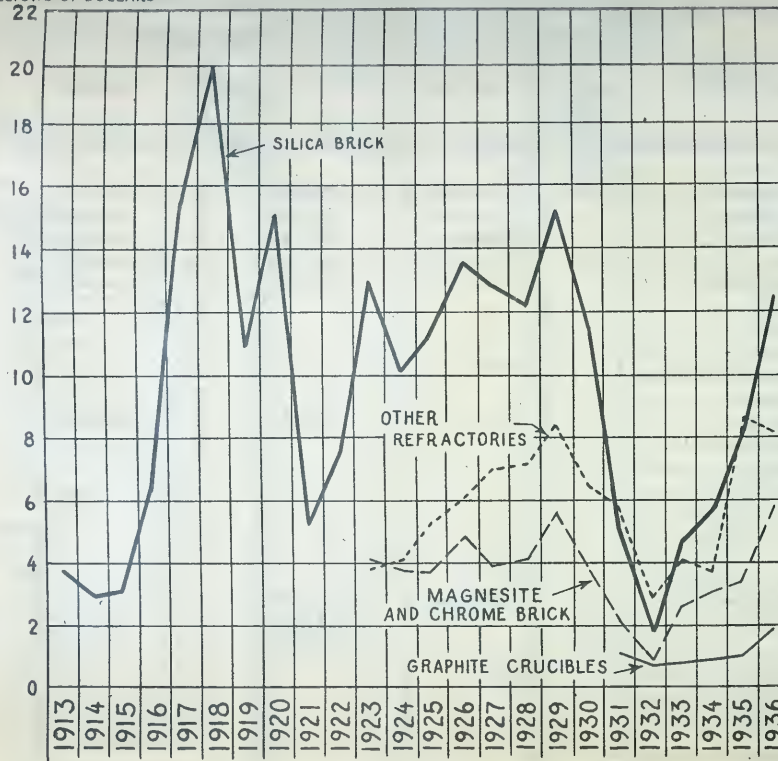


Table 9.—Nonclay Refractories—Value of Products, 1913 to 1936

Year	Silica brick	Magnesite and chrome brick	Graphite crucibles	Other refractories (including those of alumina and silicon carbide; cement, etc.)
1936	\$12,453,330	\$5,767,221	\$1,880,921	\$8,243,245
1935	8,179,990	3,424,726	1,035,644	8,649,872
1934	5,705,244	3,091,573	870,855	5,766,155
1933	4,654,776	2,579,994	757,996	4,076,751
1932	1,762,440	845,332	639,207	2,857,758
1931	5,131,514	2,233,810	1,113,972	5,688,816
1930	11,523,169	3,878,054	(1)	6,356,847
1929	15,165,280	5,630,647	2,751,736	8,409,990
1928	12,187,539	4,143,823	(1)	7,087,488
1927	12,756,994	3,874,176	1,808,934	6,916,431
1926	13,614,033	4,762,645	(1)	6,128,841
1925	11,280,127	3,751,872	2,016,261	5,332,432
1924	10,084,373	3,832,857	(1)	4,113,391
1923	12,855,067	4,060,142	(1)	3,778,850
1922	7,533,409	(1)	(1)	(1)
1921	5,220,640	(1)	(1)	(1)
1920	15,076,821	(1)	(1)	(1)
1919	10,914,898	(1)	(1)	(1)
1918	19,987,803	(1)	(1)	(1)
1917	15,510,595	(1)	(1)	(1)
1916	6,369,256	(1)	(1)	(1)
1915	3,039,869	(1)	(1)	(1)
1914	2,951,525	(1)	(1)	(1)
1913	3,815,806	(1)	(1)	(1)

30 1/ No data (see text, page 1).

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Table 10.—Nonclay Refractories—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; for the United States: 1936, 1935, and 1934

Kind and Year	Number of establishments ^{1/}	Production		Stocks on hand, Dec. 31
		Quantity	Value	
Total:				
1936.....	45	-----	\$28,344,717	-----
1935.....	51	-----	21,290,232	-----
1934.....	40	-----	13,433,827	-----
		<u>Thousands</u>		<u>Thousands</u>
Magnesite and chrome brick:				
1936.....	3	20,403	5,767,221	2,791
1935.....	3	12,112	3,424,726	3,228
1934.....	4	10,640	3,091,573	3,336
Silica brick:				
1936.....	25	229,325	12,453,330	59,498
1935.....	24	149,621	8,179,990	55,645
1934.....	28	103,534	5,705,244	41,098
Refractory cement (nonclay):		<u>Short tons</u>		<u>Short tons</u>
1936.....	24	54,948	1,132,556	729
1935.....	25	39,287	944,155	247
1934.....	23	40,853	1,070,122	1,323
Graphite and other carbon:				
(a) Crucibles and retorts:				
1936.....	9	-----	1,880,921	-----
1935.....	10	-----	1,035,644	-----
1934.....	10	-----	870,855	-----
(b) Other:				
1936.....	4	-----	260,227	-----
1935.....	6	-----	452,095	-----
1934.....	(2)	-----	(2)	-----
Silicon carbide, brick and other forms:				
1936.....	11	-----	1,716,676	-----
1935.....	8	-----	(3)	-----
1934.....	(2)	-----	(2)	-----
Other nonclay refractories:				
1936.....	20	-----	5,133,786	-----
1935.....	26	-----	7,252,622	-----
1934.....	25	-----	2,696,033	-----

1/ The totals in this column do not equal the sums of the individual items, for the reason that in some cases two or more of the products named are manufactured by the same establishment.

2/ No data.

3/ Withheld to avoid disclosing approximations of data for individual establishments; value included in figure for "Other nonclay refractories."

Table 11.—Nonclay Refractories—Number of Establishments; Production, by Kind, Quantity, and Value; and Stocks on Hand; by States: 1936 and 1935
(For totals for United States, see Table 10, above)

Kind and State	Number of estab- lish- ments	1 9 3 6			Number of estab- lish- ments	1 9 3 5		
		Production		Stocks on hand, Dec. 31		Production		Stocks on hand, Dec. 31
		Quantity	Value			Quantity	Value	
		Thousands		Thousands		Thousands		Thousands
Magnesite and chrome brick:								
Maryland.....	1 }	20,403	\$5,767,221	2,791	1 }	12,112	\$3,424,726	3,228
Pennsylvania.....	2 }				2 }			
Silica brick:								
Pennsylvania.....	13	148,856	7,619,493	36,622	12	97,395	4,988,693	36,945
Alabama.....	1 }				1 }			
Illinois.....	2 }	70,594	4,338,787	19,529	2 }	45,102	2,792,904	15,568
Indiana.....	1 }				1 }			
Ohio.....	2 }				2 }			
California.....	2 }	6,846	346,695	1,753	2 }	4,648	277,272	1,426
Utah.....	1 }				1 }			
Colorado.....	2 }				2 }			
Montana.....	1 }	3,029	148,355	1,594	1 }	2,476	121,121	1,706

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Table 11.—Nonclay Refractories—Number of Establishments, Production, by Kind, Quantity, and Value; and Stocks on Hand, by States: 1936 and 1935 (Continued)
(For totals for United States, see Table 10, above)

Kind and State	Number of estab- lish- ments	1 9 3 6		Stocks on hand, Dec. 31	Number of estab- lish- ments	1 9 3 5		Stocks on hand, Dec. 31
		Production				Production		
		Quantity	Value			Quantity	Value	
Refractory cement (nonclay):		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>		<u>Short tons</u>
Pennsylvania.....	9	25,761	\$502,043	40	11	18,296	\$413,767	174
Alabama.....	2				1			
California.....	1	1,496	21,596	4	1			
Montana.....	1				1	11,078	92,925	2
Illinois.....	2				1			
Indiana.....	1	14,375	136,447	29	1			
Maryland.....	1				1			
New Jersey.....	3	7,671	421,033	633	2	5,779	369,865	71
New York.....	1				2			
Michigan.....	1	5,645	51,437	23	3	4,134	67,598	---
Ohio.....	2				1			
Graphite and other carbon:								
(a) Crucibles and retorts:								
Pennsylvania.....	4	---	772,521	---	4	---	373,653	---
Connecticut.....	1				1			
Massachusetts.....	1				1			
New Jersey.....	2	---	1,108,400	---	3	---	661,991	---
New York.....	1				1			
(b) Other carbon re- fractories:								
Connecticut.....	1				-			
New Jersey.....	-				2			
New York.....	1	---	260,227	---	1	---	452,095	---
Pennsylvania.....	2				3			
Silicon carbide, brick and other forms:								
Pennsylvania.....	4	---	197,515	---	3	---	(1)	---
Massachusetts.....	1				-			
New Jersey.....	2	---	1,519,161	---	1	---	(1)	---
New York.....	2				2			
Ohio.....	2				2			
Other nonclay re- fractories:								
Pennsylvania.....	8	---	3,239,587	---	8	---	3,577,691	---
Alabama.....	-				1			
California.....	1				1			
Connecticut.....	-				1			
Illinois.....	1				-			
Maryland.....	-				1			
Massachusetts.....	2	---	1,894,199	---	1	---	3,675,931	---
Michigan.....	2				1			
Minnesota.....	-				1			
Montana.....	1				-			
New Jersey.....	1				3			
New York.....	1				2			
Ohio.....	2				5			
Utah.....	1				-			
West Virginia.....	-				1			

1/ See note 3, Table 10, above.

#16427

SAND-LIME BRICK

PRODUCTION, 1923 TO 1936

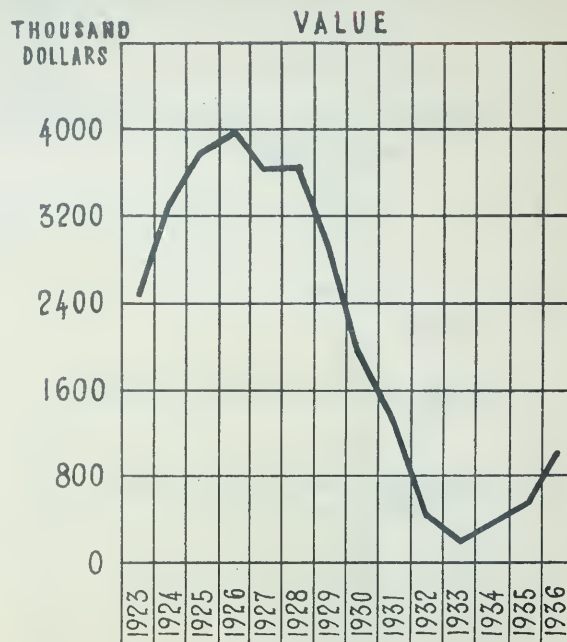
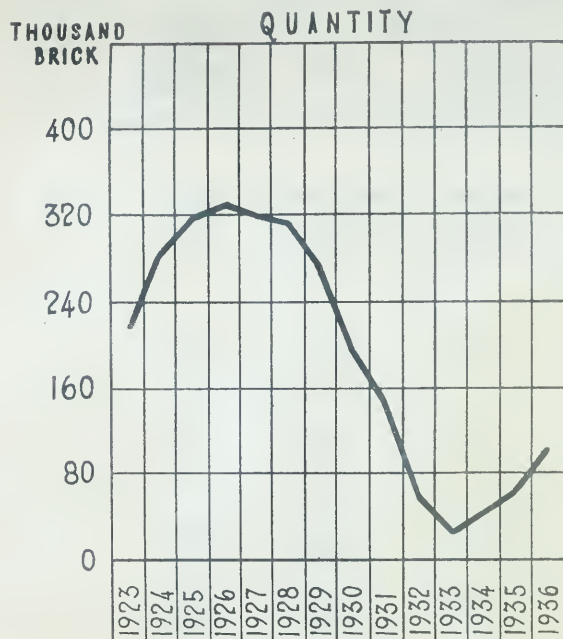


Table 12.—Sand-Lime Brick—Production, by Quantity and Value: 1923 to 1936

Year	Quantity (Thousands)	Value	Year	Quantity (Thousands)	Value
1936	103,189	\$922,662	1929	269,584	\$2,909,635
1935	61,757	554,631	1928	313,553	3,654,590
1934	41,408	355,560	1927	319,618	3,645,842
1933	22,904	195,318	1926	330,586	3,981,492
1932	52,853	433,118	1925	315,595	3,780,639
1931	143,673	1,236,825	1924	283,417	3,334,503
1930	191,193	1,950,709	1923	213,425	2,471,536

#12427

Table 17. — Sand-Lime Brick—Number of Establishments; Production, by Quantity and Value, and Stocks on Hand; for the United States, 1936, 1935, and 1934, and for States, 1936 and 1935

State and Year	Number of estab- lish- ments (1)	Production		Stocks on hand December 31 (Thousands)
		Quantity (Thousands)	Value	
<u>United States</u>				
1936.....	23	103,189	2/ \$922,662	6,390
1935.....	20	61,757	2/ 554,631	9,151
1934.....	16	41,408	2/ 355,560	4,781
<u>States</u>				
Michigan:				
1936.....	5	25,191	226,651	1,271
1935.....	4	10,684	91,409	1,072
Arizona, South Dakota, Texas, Washing- ton:				
1936.....	3/ 4	3,335	36,114	305
1935.....	3/ 3	2,296	24,518	254
Florida, Massachusetts, New Jersey, New York, Pennsylvania:				
1936.....	4/ 6	52,747	454,324	1,798
1935.....	4/ 7	38,345	335,992	2,070
Illinois, Indiana, Missouri, Ohio:				
1936.....	5/ 4	6,265	59,153	686
1935.....	5/ 3	3,675	38,063	3,083
Minnesota, Wisconsin:				
1936.....	6/ 4	15,651	146,420	2,330
1935.....	6/ 3	6,757	64,649	2,672

1/ Does not include establishments whose production was valued at less than \$5,000.

2/ Not including values of products other than sand-lime brick (not normally belonging to the industry), as follows: 1936, \$185,483; 1935, \$99,438; 1934, \$53,600.

3/ 1936: Arizona, 1 establishment; South Dakota, 1; Texas, 1; Washington, 1. 1935: Arizona, 1 establishment; South Dakota, 1; Texas, 1; Washington, 0.

4/ 1936: Florida, 1 establishment; Massachusetts, 2; New Jersey, 1; New York, 2; Pennsylvania, 0. 1935: Florida, 1 establishment; Massachusetts, 2; New Jersey, 1; New York, 2; Pennsylvania, 1.

5/ 1936: Illinois, 1 establishment; Indiana, 1; Missouri, 1; Ohio, 1. 1935: Illinois, 1 establishment; Indiana, 1; Missouri, 0; Ohio, 1.

6/ 1936: Minnesota, 2 establishments; Wisconsin, 2. 1935: Minnesota, 2 establishments; Wisconsin, 1.

412427

(Testimony of Henry Pressing.)

Q. (By Mr. Howlett) I would like to have you examine that exhibit, Mr. Pressing. Does that show the production in tons of the various clay manufacturers of the United States?

A. Well, it shows it in tons in some items, and in thousands in others. It has it in accordance with the product. If it is possible to have it in thousands, they have it in thousands; if not, they have it in tonnage basis.

Trial Examiner Stephenson: Thousands of what?

The Witness: Thousands of units, probably bricks.

Q. (By Mr. Howlett) That shows the production of the various clay products manufactured within the United States, in- [812] cluding those within the State of California? A. Yes, sir.

Cross Examination [813]

Q. (By Mr. Mauritsen) Mr. Pressing, referring to Respondent's Exhibit 6, which is headed "Value of Sales of All Products Delivered by Company to Destinations outside the State of California," how did you determine that these products were delivered outside of California?

A. Determined by the order we received from the purchaser, and the signed ticket and receipt.

Q. Referring to Board's Exhibit 11 and Board's Exhibit 12, did the orders which you received indicate that these products were going out of the State? A. They did. [814]

(Testimony of Henry Pressing.)

Q. (By Mr. Howlett) Do you have any knowledge as to whether these products shown on Board's Exhibits 11 and 12 actually went out of the State?

A. No. [815]

W. C. REORDAN

called as a witness by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Trial Examiner Stephenson: State your name, please.

The Witness: W. C. Reordan; R-e-o-r-d-a-n.

Direct Examination

Q. (By Mr. Howlett) By whom are you employed?

A. Los Angeles Brick and Clay Products.

Q. In what capacity? A. Sales manager.

Q. How long have you been employed with that company as sales manager? A. 20 years.

Q. As sales manager, do you have any knowledge as to what industry the greatest portion of your sales are made to?

A. Building and construction industry.

Q. Do you make a study of the trend of building and construction?

A. Yes. We try to keep up with what is coming and what we can expect. We have a man employed

(Testimony of W. C. Reordan.)

for that purpose—to visit the architects and contractors, and see what we can contemplate.

Q. Did you make such a study during the months of March, April and May, 1937? [816]

A. Yes, we did.

Q. What were your findings?

A. We found from the architects that they had very little in the office to carry us over for a period of years—I mean, a period of months; but that things they had in the office were beginning to clean up a little.

Q. Are you familiar with the stock orders and manufacturing orders that come into the company?

A. Yes.

Q. Have you ever prepared a statement for the months of April, May and June, 1937, as to what those orders consisted of?

A. Yes, I did prepare such a statement.

Q. I will show you a statement and ask you if that is such a statement, the statement that you have just referred to?

A. Yes, that is.

Mr. Howlett: We wish to offer in evidence Respondent's Exhibit No. 11.

Trial Examiner Stephenson: It being the document just testified to.

Mr. Howlett: Just testified to.

Trial Examiner Stephenson: Any objection?

Mr. Mauritsen: No objection.

(Testimony of W. C. Reordan.)

Trial Examiner Stephenson: The same will be received in evidence and marked as Respondent's Exhibit No. 11. [817]

(Thereupon the document above referred to was received in evidence and marked as Respondent's Exhibit No. 11.)

RESPONDENT'S EXHIBIT NO. 11

All Orders Taken During
April, May & June, 1937

Stock Orders

<u>Month</u>	<u>Tonnage</u>
April	2,559.077 Tons
May	711.116 “
June	691.98 “

Manufacturing Orders

April	None
May	None
June	None

[Endorsed]: 1-10-38. Respondent's Exhibit No. 11.

Q. (By Mr. Howlett) Do you have before you, Mr. Reordan, Respondent's Exhibit No. 11?

A. Yes.

Q. It shows that under "Stock Orders," in April the tonnage was 2,559.077 tons, is that correct?

A. Yes, sir.

(Testimony of W. C. Reordan.)

Q. And in May, 711.116 tons; and in June, 691.98 tons. It also shows the manufacturing orders were in April, May and June, none.

Will you please state what you mean by "stock orders"?

A. Stock orders, we term as orders taken for materials in stock—that is, delivered out of stock, and any orders that we can deliver right out of the stock items.

Q. What do you mean by "manufacturing orders"?

A. Any order for special colors and kinds that we do not carry in stock at all times. [818]

Q. At any time prior to, during, or after the strike, were you prevented from making any shipments, intra or interstate, by reason of the labor difficulties or the strike? A. No.

Q. Does your company have any regularly appointed sales agency outside the State of California? A. No.

Q. Does your company have any regularly appointed dealers outside the State of California?

A. No.

Q. Does your company have any established district points outside the State of California?

A. No.

Q. Does your company do any national advertising? A. None.

(Testimony of W. C. Reordan.)

Q. Does your company have any traveling salesmen who cover territories outside the State of California? A. None.

Q. Does your company own or operate trucks that deliver products outside the State of California? A. No.

Q. Going back to the time in March, April and May, you testified that sales were dropping. Are you familiar with [820] the inventories of the company? A. Yes.

Q. Do you know how you handled your business at that time?

A. Well, we talked it over between us to see—that is one of our principal functions—to keep down the inventories as much as possible, and do business on as small a capital as possible.

Q. What was actually done in this case?

A. We talked it over and decided to slow down as much as possible.

Q. Did you do that?

A. Yes, only make the materials that were absolutely necessary to keep the stocks up.

Cross Examination [821]

Q. Just where do your salesmen operate, Mr. Reordan?

A. I would say in and around Southern California, within a radius of not over a hundred to one hundred and twenty-five miles. We don't go above Bakersfield; we go to San Diego. [823]

Trial Examiner Stephenson: At the opening of the proceedings, the Respondent filed a notice of special appearance and a motion to dismiss the complaint for lack of jurisdiction on the part of the Board. The Trial Examiner reserved his ruling on the motion to dismiss. At this time, all the evidence having been introduced relative to the jurisdictional facts, the motion to dismiss the complaint for lack of jurisdiction of the Board will be denied. The record now, gentlemen, will be closed. [828]

In the United States Circuit Court of Appeals
For the Ninth Circuit

No. 9218

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

v.

LOS ANGELES BRICK & CLAY PRODUCTS
COMPANY,

Respondent.

CERTIFICATE OF THE NATIONAL LABOR
RELATIONS BOARD

The National Labor Relations Board by its Secretary, duly authorized by Section 1 of Article VI, Rules and Regulations of the National Labor Relations Board, Series 1, as amended, hereby certifies that the documents annexed hereto constitute a full

and accurate transcript of the entire record in a proceeding had before said Board entitled, "In the Matter of Los Angeles Brick & Clay Products Company and Alberhill Clay Products Workers' Union No. 373," the same being Case No. C-589 before said Board, such transcript including the pleadings, testimony and evidence upon which the order of the Board in said proceeding was entered, and including also the findings and order of the Board.

Fully enumerated, said documents attached hereto are as follows:

1. Charge filed by Alberhill Clay Workers Union Mine, Mill and Smelter Workers, sworn to June 15, 1937.

2. Amended charge filed by Alberhill Clay Products Workers Union, No. 373, sworn to December 5, 1937.

3. Complaint and notice of hearing issued by the National Labor Relations Board, dated December 9, 1937.

4. Amended notice of hearing, dated December 15, 1937.

5. Respondent's request for extension of time to file answer, dated December 15, 1937.

6. Order granting extension, dated December 15, 1937.

7. Respondent's answer to the complaint, sworn to December 15, 1937.

8. Respondent's notice of special appearances and motion to dismiss the complaint.

9. Certified copy of the order designating Dwight Stephenson Trial Examiner for the National Labor Relations Board, dated December 16, 1937.

Documents listed hereinabove under items 1-9, inclusive, are contained in the exhibits and included under the following item:

10. Stenographic transcript of testimony before Dwight Stephenson, Trial Examiner for the National Labor Relations Board, on December 16, 17, 20, 21, 22, 30, 1937, and January 10, 1938, together with all exhibits introduced in evidence.

11. Copy of the Intermediate Report of Trial Examiner Stephenson dated April 30, 1938.

12. Copy of respondent's telegram, dated May 6, 1938, requesting extension of time to file exceptions to the Intermediate Report.

13. Copy of telegram, dated May 7, 1938, granting extension.

14. Copy of respondent's telegram, dated May 19, 1938, requesting an additional extension of time for filing exceptions.

15. Copy of telegram, dated May 20, 1938, granting additional extension.

16. Copy of the Union's exceptions to the Intermediate Report.

17. Copy of respondent's exceptions to Intermediate Report.

18. Copy of form letter, dated September 22, 1938, advising of the right to apply for oral argument or for permission to file briefs.

19. Copy of the decision, findings of fact, conclusions of law and order issued by National Labor Relations Board, February 27, 1939, together with affidavit of service and United States Post Office return receipts thereof.

In testimony whereof the Secretary of the National Labor Relations Board, being thereunto duly authorized as aforesaid, has hereunto set his hand and affixed the seal of the National Labor Relations Board in the City of Washington, District of Columbia, this 20th day of June, 1939.

[Seal] NATHAN WITT

National Labor Relations Board

[Endorsed]: No. 9218. United States Circuit Court of Appeals for the Ninth Circuit. National Labor Relations Board, Petitioner, vs. Los Angeles Brick & Clay Products Co., a corporation, Respondent. Transcript of Record. Petition for Enforcement of an Order of the National Labor Relations Board.

Filed, June 26, 1939.

PAUL P. O'BRIEN,

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

[Title of Circuit Court of Appeals and Cause.]

STATEMENT OF POINTS TO BE RELIED ON
BY BOARD

I. The National Labor Relations Act is applicable to respondent and the employees here involved.

II. The Board's findings of fact are supported by substantial evidence. Upon the facts so found, respondents have engaged and are engaging in unfair labor practices within the meaning of Section 8, subdivisions (1), (3) and (5) of the Act.

III. The Board's order is wholly valid and proper under the Act.

Docketed.

[Endorsed]: Filed Jun. 26, 1939, Paul P. O'Brien,
Clerk.

[Title of Circuit Court of Appeals and Cause.]

DESIGNATION OF THE PORTION OF THE
RECORD TO BE PRINTED

To the Honorable, the Judges of the United States
Circuit Court of Appeals for the Ninth Circuit:

Comes now the National Labor Relations Board, the petitioner herein, and prays that in accordance with paragraph 6 of rule 19 of this Court, the following portion of the record shall be printed:

1. Documents enumerated under items 1, 2, 3, 7, 8, 9, 11, 18, 19 in the certificate of the National

Labor Relations Board dated June 20, 1939, filed herewith in this Court.

2. The following exhibits received in evidence by the Board and filed herewith in this Court: Board Exhibits 2, 3, 4, 8, 9, 11, 12, 13, 14, 17; Respondent Exhibits 1, 2, 5, 6, 7, 9.

3. The following portion of the stenographic transcript of the testimony filed herewith in this Court:

Beginning on		And Ending with	
Page	Line	Page	Line
2	22	4	19
5	8	5	9
5	17	9	1
9	16	13	25
15	6	19	15
20	21	20	25
21	21	24	6
24	17	31	25
33	8	34	2
34	9	34	9
36	6	37	8
38	24	44	1
44	15	45	5
49	2	49	18
50	12	51	10
55	7	59	22
60	1	60	13
60	20	65	9
68	12	68	22

Beginning on		And Ending with	
Page	Line	Page	Line
69	9	71	13
73	10	73	15
75	16	75	22
77	2	80	4
81	14	81	19
82	12	84	5
88	14	92	17
92	24	92	25
97	10	99	19
100	21	100	23
101	5	101	9
102	8	105	12
107	19	107	19
111	3	111	3
111	23	112	4
113	5	113	5
114	6	120	15
122	14	122	24
123	16	131	22
133	6	133	17
134	6	137	22
138	5	139	20
142	9	142	9
143	2	143	2
144	9	145	3
145	6	149	13
149	18	149	18
149	24	152	14

Beginning on		And Ending with	
Page	Line	Page	Line
154	4	159	6
163	24	168	14
169	10	170	2
171	1	173	5
174	3	175	14
177	23	178	4
180	8	183	25
193	1	199	2
199	14	204	3
204	21	206	2
209	21	211	18
212	1	212	4
234	17	234	25
236	5	236	12
242	25	247	4
248	2	249	22
261	5	261	8
262	19	263	10
264	4	264	11
270	13	270	16
274	14	278	22
279	16	281	25
282	5	282	17
283	7	285	4
286	14	303	24
305	7	306	16
307	19	312	15
313	8	313	19

Beginning on		And Ending with	
Page	Line	Page	Line
314	12	318	14
320	20	323	8
329	22	331	6
332	11	336	2
336	16	337	17
340	11	341	6
344	13	345	4
347	10	347	23
348	2	348	5
348	11	351	25
352	22	353	25
354	1	354	2
354	16	357	10
357	16	358	10
360	11	360	15
361	17	364	3
365	1	365	21
368	4	373	1
375	1	380	20
382	4	382	21
383	7	383	17
384	1	391	13
393	24	394	12
397	5	398	24
400	8	406	8
406	16	407	17
410	1	410	4
416	9	416	13

Beginning on		And Ending with	
Page	Line	Page	Line
418	4	418	24
420	8	420	13
424	10	431	6
438	23	441	3
445	1	449	21
459	11	459	11
459	15	459	17
461	14	462	7
466	19	469	2
470	2	473	7
475	3	478	23
484	20	485	9
486	8	487	9
488	16	493	14
493	24	495	23
496	9	497	15
498	9	498	17
505	4	506	2
517	18	519	2
520	1	520	21
521	9	521	19
527	1	528	4
529	16	530	20
533	9	533	9
533	16	533	22
535	17	535	21
539	5	539	11
539	22	540	16

Beginning on		And Ending with	
Page	Line	Page	Line
545	20	548	25
549	22	549	25
551	19	552	24
553	4	553	12
554	23	555	8
562	1	562	10
572	1	574	21
576	7	582	11
583	2	583	18
584	10	599	12
601	6	602	25
604	11	605	16
608	17	609	6
616	20	617	13
620	4	620	12
624	2	624	6
636	16	641	7
650	21	651	2
669	18	669	22
684	12	684	16
688	11	690	10
696	23	700	5
701	17	705	24
706	5	707	20
708	2	708	17
712	13	712	20
730	19	735	6
741	22	748	6

Beginning on		And Ending with	
Page	Line	Page	Line
759	4	762	13
767	11	769	5
788	19	789	4
795	14	801	18
802	23	804	7
804	13	811	22
814	5	814	15
828	15	828	24

Dated: Washington, D. C., July 20, 1939.

[Endorsed]: Filed Jul. 24, 1939. Paul P. O'Brien,
Clerk.

[Title of Circuit Court of Appeals and Cause.]

RESPONDENT'S DESIGNATION OF ADDI-
TIONAL PORTIONS OF THE RECORD
TO BE PRINTED

To the Honorable, the Judges of the United States
Circuit Court of Appeals for the Ninth Circuit:

Comes now Los Angeles Brick & Clay Products
Company, respondent herein, and prays that in ac-
cordance with Paragraph 6 of Rule 19 of this Court
the following additional portions of the record be
printed:

1. The following exhibits received in evidence by
the Board and filed herewith in this Court: Re-
spondent's exhibits 8, 10 and 11.

2. The following portions of the stenographic transcript of the testimony filed herewith in this Court:

Beginning on		And Ending with	
Page	Line	Page	Line
48	11	49	1
52	1	53	5
53	25	54	15
92	25	94	4
97	1	97	5
110	18	110	24
159	7	159	18
162	20	163	4
211	19	211	25
212	5	213	17
235	1	236	4
352	1	352	21
358	11	359	22
360	5	360	10
360	20	361	11
451	12	452	4
453	9	454	11
456	20	457	7
459	18	460	8
464	13	464	25
465	4	465	14
465	16	466	8
483	20	483	22
484	6	484	9

Beginning on		And Ending with	
Page	Line	Page	Line
498	19	499	1
499	7	502	3
512	15	512	15
514	12	514	18
514	24	515	10
531	5	532	6
532	9	532	15
535	22	538	1
539	18	539	21
541	5	541	17
555	11	555	11
555	24	556	24
557	7	557	18
558	2	560	9
610	2	610	13
610	24	612	11
613	1	615	7
620	13	620	25
621	10	621	10
621	25	622	20
622	22	623	6
624	7	626	22
627	22	629	5
629	11	629	15
630	24	632	3
678	10	679	2
687	4	687	8
687	16	688	10

Beginning on		And Ending with	
Page	Line	Page	Line
693	14	693	24
700	6	701	14
713	5	714	13
718	13	718	17
721	6	724	5
764	13	766	12
774	7	775	24
794	3	795	5
811	23	813	2
815	2	815	2
815	15	815	18
816	1	818	18
820	3	821	13
823	22	823	25

Dated at Los Angeles, California, this 31 day
of July, 1939.

HOWLETT and MacLAREN

By TOWSON T. MacLAREN

Attorneys for Respondent.

[Endorsed]: Filed Aug. 13, 1939. Paul P.
O'Brien, Clerk.

